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GUIDELINES FOR OBSERVERS

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Website for Observers

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Election Commission of India

Guidelines for Observers

ELECTION COMMISSION OF INDIA

Guidelines For Observers

GENERAL

Background

1. The Commission does not have a permanent infrastructure of its own to control money/muscle power and misuse of official machinery in the elections to ensure free and fair elections. On a few occasions, the Commission sent its Officers to watch the poll process whenever there were large scale allegations of vitiation of poll process by the candidates or the political parties. This system had its own limitation due to shortage of experienced Officers in the Commission. When the problem became more acute in the nineties due to rapid change in the political scenario, the Commission started appointing senior Central/State Govt. Officers as its Observers to keep an watch on the election process by making necessary provision in the R.P.Act. for this purpose.

Statutory Basis of Appointment

2. Observers of the Election Commission of India are appointed under the powers conferred on it by Section 20B of the Representation of People Act, 1951 and the plenary powers available to the Commission under the Constitution of India. They are the appointees of the Commission working under the superintendence, control and discipline of the Commission for the period from their appointment until the process of elections is complete.

3. The Representation of People Act, 1951 was amended in August, 1996 to add a new Section 20B. This provides statutory powers to the Observers to watch the conduct of elections and especially in respect of counting of votes.

4. **Section 20B** reads as follows: -

“(1) The Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections in a constituency or a group of constituencies and to perform such other functions as may be entrusted to him by the Election Commission.

(2) The Observer nominated under sub-section (1) shall have the power to direct the Returning Officer for the constituency or for any of the constituencies for which he has been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result if in the opinion of the Observer, booth capturing has taken place at a large number of polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or

lost or are damaged or tampered with to such an extent that the results of the poll at that polling station or place cannot be ascertained.

(3) Where an Observer has directed the Returning Officer under this section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Election Commission and thereupon the Election Commission shall, after taking all material circumstances into account, issue appropriate directions under Section 58A or Section 64A or Section 66.”

Role

5. By dint of their seniority and long experience in the administrative service, they are expected to be in a position to assist the Commission in the conduct of free and fair polls. They will also be able to oversee the efficient and effective management of the electoral process at the field level. For all purposes, they will act as the **eyes and ears of the Commission** during the period of the election and provide direct inputs to the Commission from the field as an interface with the election machinery, the candidates, parties, and electors to ensure that the acts, rules, procedures, instructions and guidelines related to elections are strictly and impartially complied with by all concerned. **They should always clearly and firmly bear in mind the fact that they are only the eyes and ears (and not the mouthpiece) of the Commission. Their inputs/observations are confidential and solely for the use of the Commission and not for any other agency including media. They must not, therefore, interact with or respond to the queries of the Press even after the elections are over. In recent times it has been observed that some observers had a tendency to give interview to the media even during the course of the polling process ventilating their opinion on various electoral issues. Some observers have given interview to media after a long gap i.e. after the completion of the election in a particular State. In all these cases, the Commission has taken a very serious view. The observers who expressed their views through media were withdrawn from the election duty. It is clarified that while the formal report/input/observation sent by the observers are meant for the use of the Commission, it does not mean that the observers will not discuss with the CEO/RO/DEO about their observation on various aspects of election management in order to facilitate mid-course corrections. It should be kept in mind that the objective of the deputation of the observer is not to find fault but to facilitate field administration in ensuring a free and fair poll. However, the observers shall not mark copies of their formal reports to the Commission to any other person including CEO/RO/DEO.**

GENERAL AND EXPENDITURE OBSERVERS

6. The nomenclature used to identify the Observers as “**General Observers**” and “**Expenditure Observers**” is only for easy identification of major functions of the two groups of Observers being appointed. There is no

distinction between them so far as the law is concerned and both are “**Observers**”. Both types of the Observers perform duties as assigned by the Commission and may be required to focus on certain aspects of the election related events and activities.

7. For close monitoring of electoral events commencing from the nomination to the declaration of results, Observers play a critical role on behalf of the Commission. The scheme of Observers envisages inter-changing roles for the General Observers and Expenditure Observers to cover the maximum possible area assigned to them during an election. In other words, a General Observer during the election process will also oversee expenditure activities pertaining to his allotted area and similarly the Expenditure Observers will oversee the general aspects of electoral conduct in his assigned area of duty. The Observers are expected to discuss and sort out issues amongst themselves for better coordination and management. The senior most General Observer posted in a district/parliament constituency shall act as the **district/PC observer** and coordinate the work of all Observers, and act as the interface between the Observers and district administration, the Commission and Chief Electoral Officer. All observers are, however, free to contact any of these above authorities directly also. It is also expected that the district observer will make sure that Commission's various instructions are passed on to other observers in time. He or she can also take up common issues on behalf of other observers with the Commission, Chief Electoral Officer and district administration and ensure that all other observers sent their reports including for repoll, in time to the Commission. Also the observer stationed at district headquarter will make sure that the computer infrastructure and staff is in place for randomization, filling of nomination data in English and Hindi on the GENESYS software is done timely, make sure that all affidavits are scanned and are put on the Commission's website and also ensure that counting results and trends are fed quickly on GENESYS software.

8. The Commission decides the observer ratio of the constituency on the basis of its assessment of the ground situation and sensitivity of the constituency. In some cases one observer each is deputed for each assembly constituency/segment; whereas in some other cases one observer is made to remain in charge of more than one constituency. In case of general election being held in multiple phases in a particular State, the Commission may ask the observers of the constituencies going for poll in subsequent phases to perform duties in the adjoining district/constituency going for poll in a different phase as an additional observer in order to strengthen the hands of the existing general/expenditure observers already posted in those constituencies. Whenever the Commission takes such decision to deploy additional observers, the deployment plan will be intimated the observers through CEO/DEO and the observer shall comply with such instruction as and when received. There may be cases where the Commission deposes some **Special Observers** for the entire

State or division/district who will monitor the over all process and play a coordinating role. The general/expenditure observers deployed in the constituency/district should coordinate with such Special Observers in discharging their duties. In recent times the Commission has been deputing observers drawn from various States to monitor the process of electoral roll revision in the poll going States few months prior to the poll. They are deputed to various divisions/districts from time to time in order to gain domain knowledge and to make assessment of the ground situation and to give feed back to the Commission. These observers, in all likelihood may be deputed to the same division/district during the poll and they are expected to play a coordinating role and share their experience with the other observers about the district and various functionaries of the district administration. The general observers and the expenditure observers may discuss with such observers in order to get inputs from them.

Micro Observers

9. At times, it becomes difficult for an observer to keep an effective watch on the whole constituency spread over a large area. This is especially so when the number of hypersensitive/sensitive polling stations requiring particular attention of the Observer is more. The Commission has recently introduced the concept of Micro-Observers who will be stationed at specific polling station locations housing one or more polling stations and keep close watch on them on the poll day. These micro-observers would directly work under control and supervision of the general observer. In case the poll is vitiated in any way, he will bring the matter to the notice of the Observer immediately. He will also observe as to whether the poll procedure is properly being followed by the polling officials/polling agents and prepare a report, in the prescribed proforma, at the end of the poll and submit the same to the Observer at the collection centre. The detailed description of duties and the proforma in which the report has to be prepared by the Micro-Observers have been given in Annexure-'L'

BRIEFING MEETINGS

10. It is compulsory for every Observer to attend a briefing session which he or she has been allotted by the Commission. The Briefing Meeting must be attended without exception whether the Officer is allocated any Constituency or put on Reserve List.

11. Before the Observers are sent to the Constituencies allocated in various States, Commission holds the Briefing Meeting. A Letter of Appointment as Observer is handed over to the Observer at the time of **Registration for the Briefing Session**. If any Observer is kept on Reserve List, that fact also will be intimated to him on the date of briefing. The Observers are expected to

immediately notify any changes in office and residential addresses and phone / fax / telex numbers to the concerned **Zonal Secretary** of the Commission.

PERSONAL INFORMATION SHEET

12. **The Observers are required to fill in a Personal Information Sheet as given at Annexure 'A'.** Commission has made all efforts to obtain this data on the Observers through the sponsoring authorities, namely, the Department of Personnel and Ministry of Finance. The Commission has also utilised data otherwise available with the sponsoring authorities from their departmental data bases, civil lists, official directories to update the relevant Personal Information Sheet. However, complete information is not always available in respect of all Observers before their registration for the Briefing Sessions.

13. It is needless to say that the Commission and the Election Authorities in the State should have up-to-date and correct particulars of the Observers. This is required by the Commission for smooth and efficient deployment of Observers and easy communication.

14. The Observers on reporting at the Registration Desk for the briefing session will be given a partially filled copy of the Personal Information sheet and asked to modify it if required. They should ensure that the Form is completed in a clear hand and handed over to the Registration Desk. **They should also ensure that they notify changes, if any, from time to time, to the Zonal Secretary.**

KIT OF THE OBSERVERS

Portfolio Bag

15. The Observers are supplied with **portfolio bags** which contain Books, Documents and other essential articles of stationery. Details of these will be given separately in the portfolio bag. This bag is common to all Observers. This will be supplied to them at the time of Registration.

State Envelope

16. **A State map will be available at the concerned State counter specifically set up for the purpose at the site of Briefing Meeting.**

INTERFACE WITH COMMISSION

17. The work of the Commission Secretariat is distributed in Functional and Territorial Divisions. A list showing the distribution of work in the Commission is given along with the kit of the Observers. Observers shall have an opportunity to meet the Zonal Secretaries and other Officers of the Commission with whom they

have to interact or correspond in relation to general questions of duty and election related matters in the States allocated to them at the time of briefing.

18. **The primary and first level interface for the Observers** in the Commission will be the **Zonal Secretary** concerned **responsible for the state** of which the constituency allotted to the Observer forms a part. In case, the Zonal Secretary is not available, the **Under Secretary** in charge of the state can be contacted. For any serious matter warranting a higher level of contact, the **Deputy Election Commissioner** concerned may be contacted.

OBSERVERS ON RESERVE LIST

19. Observers not assigned any particular constituency during the Briefing Session will be on Active-Reserve Duty with the Commission. They can be sent at a very short notice to any specified place. Observers on Reserve Duty are expected to be readily available for immediate deployment. Therefore, **they cannot leave Headquarters either on personal or official duty without specific permission of the Commission.** Their contact point in the Commission will be the Secretary (Planning). **Once they are assigned any particular constituency(ies), they will immediately proceed there within the shortest possible time.**

POSTAL BALLOT FOR OBSERVERS

20. Rules 17 to 20 of the Conduct of Elections Rules, 1961 provide that voters on Election Duty are entitled to vote by post. The term “**Voters on Election Duty**” includes a public servant, who is an elector in the constituency and is by reason of his being on election duty is unable to vote at the polling station where he is entitled to vote. Observers are also covered in this category. Some of the Observers of the Commission may be away from the constituency in which they are ordinarily entitled to vote, on account of being required to perform duty elsewhere on the date of poll. If an Observer is registered as an elector in any constituency he can apply for a postal ballot paper to the Returning Officer of the Constituency concerned in Form 12. A copy of Form 12 is at **Annexure ‘B’**. The Observers may write or contact the Returning Officer of the Constituency concerned and present him duly filled in Form 12 to obtain a Postal Ballot Paper.

20A. The other groups of electors who are eligible to cast their votes through Postal Ballot Papers are service electors (other than those who opted for proxy voting) polling officials, security persons and drivers/cleaners or helpers of vehicles engaged on election related duties. The Commission has recently introduced certain changes in the procedure of printing, dispatch and collection of postal ballot papers in order to ensure that no time is lost in the issue of blank postal ballot papers to these beneficiaries and receipt of marked ballot papers to the Returning Officer concerned from them. The Observers are required to acquaint themselves with the Commission's instruction No 470/KT-LA/2008, dated

10.04.08 in this regard which was issued on the eve of general elections to the State Legislative Assembly of Karnataka and ensure that all possible steps are taken by the DEOs,ROs/AROs and the postal authorities concerned to speed up the movement of the postal ballot papers and collection.

REQUEST FOR EXEMPTION

21. Commission does not entertain any request for exemption from duty as an Observer or for substitution by another officer, if it is directly submitted by the concerned officer or officers.

22. The **Controlling Officers** of the Observers in various Ministries / Departments and the Chief Secretaries of the States and Union Territories have been advised that Establishment Officer, DOPT, Government of India is the **Sponsoring Authority** of the names for appointment as **General Observers** and the **Secretary, Department of Revenue** in the **Ministry of Finance** is the Sponsoring Authority for the officers appointed as **Expenditure Observers**. Separate Co-ordination Cells are in operation in those offices for this purpose. **Any request** from the Officers sponsored as Observers or from their Controlling Officers **for exemption** from the duty of Observer **shall be made only to the Sponsoring Authorities as mentioned above. On receipt of specific recommendation of sponsoring authorities suggesting alternate officers of equivalent or higher rank, Commission may consider such requests within the limitations of the tight schedule of the elections.** All correspondence in this regard shall be addressed by the sponsoring authorities to **Deputy Election Commissioner (in charge of Planning)** by name.

IMPORTANT

23. The Commission does not entertain any direct correspondence from Observers for exemption, foreign trips and similar other concessions. No action will be taken on such communications. The Commission will only interact with the Establishment Officer and the Department of Revenue in this regard. This is essential for smooth management of the entire process of the requisitioning, deployment and release of the Observers.

TOURS AND ABSENCE FROM HEADQUARTERS

24. **All Observers should seek prior permission from the Commission every time they want to leave the headquarters on personal work or on official work not connected with performance of their duties as Observers.** Any request in this regard for special permission shall be made to the Deputy Election Commissioner (in charge of Planning). **No Observer is allowed to go on a foreign trip during the period intervening between the briefing session**

and the completion of election process. No requests in this regard should be made to the Commission. Only in case of receipt of late intimation about selection to attend a **foreign training**, which had been duly sponsored by the DOPT as per prescribed procedure, DOPT may recommend release of such officer by substituting an officer of equivalent or high rank. All such requests shall be addressed by the DOPT to the Deputy Election Commissioner (in charge of Planning) by name.

REQUESTS FOR LEAVE

25. No officer appointed as Observer or kept in Reserve List shall proceed on any kind of leave without prior approval of the Commission till the completion of the election in the Constituency(ies) in which he/she has been appointed as Observer or for which he/she has been kept in reserve. All correspondence in this regard shall be addressed to Deputy Election Commissioner (in charge of Planning) by name.

TRAVEL ENTITLEMENT

26. Normally there should not be any difficulty for most of the officers appointed as Observers to travel by air. However, in some cases, instances have been brought to the notice of the Commission that some Departments have objected to a particular mode of travel by officers in the discharge of their duty as Observers of the Commission, on grounds of entitlement. It is hereby clarified that **all officers appointed as Observers are entitled to travel by Air in economy class.** It is further clarified that the officers can travel by any scheduled commercial flight – be it that of Indian Airlines or any other Privately operated Air Service. A letter in this regard sent to the Cabinet Secretary to the Government of India; Secretary, Ministry of Finance and Chief Secretaries / Chief Administrative Officers of all States and Union Territories is at **Annexure 'C'**.

27. So far as **train journey** is concerned, the officers will, however, travel by the Class to which they are officially entitled.

OTHER FACILITIES FOR OBSERVERS

28. The Commission has separately issued instructions regarding the arrangements for **boarding, lodging, transport and security of the Observers.** These **will be arranged by the Returning Officers concerned.** The arrangements will cover the escort officer, PSO, driver, the accompanying security personnel and a secretarial assistant, if any, accompanying the Observers. Arrangements for the full team will be made by the Returning Officer so that no time is lost on this account by the Observer in making the best and optimum use of the time available during the election process. These expenses will be met out of contingencies for election by the RO. 27.

29. It is clarified that under no circumstances the observers can travel to the constituency with their own Steno/Private Secretary/Peon from their place of posting. In the past the Commission has taken a very serious view about the conduct of some observers in this regard.

CONTINGENCY EXPENDITURE

30. The Commission has made efforts to provide everything needed by the Observers in terms of stationery and other requirements for discharging their duties. The RO will supplement with any additional support required in this regard. However, there may be rare cases of the Observer being required to meet some emergent contingent expenditure including making telephone calls, sending fax messages or using postage or for any other similar items. In such cases, he should immediately give a voucher to the RO who will reimburse the amount then and there on the basis of the certificate given by the Observer. This has to be charged to the contingency expenditure account of the concerned RO's account.

CORRESPONDENCE – ESSENTIAL DETAILS

31. In view of the large number of Officers being deployed as Observers, each Observer has been allocated a particular **Code Number** given prominently on the **Letter of appointment of Observer**. If this has not been already communicated to any Observer in advance, he/she should ascertain this during the briefing session and always remember the same. This Code Number is to be clearly written on the top of all letters /faxes sent by the Observer. The Observers shall give **without fail** the following details on the top of each letter / communication:

Code Number

Name of the Observer

State/UT allocated as Observer

Serial No. and Name of Constituency/District

For facility of quick reference and ease of use, templates of Fax cover are also provided with the kit.

TRAVEL PLANS

32. Immediately after the Briefing Meeting, the Observers who have been allocated constituencies shall make their **Travel Plans** to visit the Constituencies. **The Observers on the Reserve List** shall remain in their HQs. To facilitate and help Observers reach constituencies allocated to them, the Commission has directed the **Resident Commissioners** in Delhi to open a **Facilitation Counter** in the respective State Guest Houses/Bhawans or in their own office to impart information about the route, mode of transport from various points (Road, Rail

and Air) to each of the constituencies in the State. Details of these are given in the State envelope. The Observers may consult the officers in-charge of such counters to finalise their travel plans.

33. The Observers are expected to draw their visit programme sufficiently in advance and intimate them to the Returning Officer, District Election Officer and the **Chief Electoral Officer** concerned so as to enable them to make necessary arrangements for their reception, security, transport, stay and publicity of their visit. In this regard, any help required may be taken from **Resident Commissioners** of the State concerned, or the Zonal Secretary in the Commission.

34. The District Election Officer / Returning Officer will make arrangements for the accommodation, security, transport, wireless communication, telecommunication with the Commission, guide / escort and secretarial assistance. **The DEO shall also arrange for supply of a SIM Card in case the Observer is having his/her own mobile, or rent a mobile set for him/her.**

35. It is not compulsory to meet the Chief Electoral Officer before proceeding to the Constituencies. The Observers should straightway reach the Constituencies allotted to them by the shortest available route. However, they should intimate the Chief Electoral Officer of the State their programme so that he or she can effectively coordinate the overall arrangements for reception, transport, security etc. of the Observers. If, however, the headquarters of the Chief Electoral Officer is on the way to the Constituencies allotted, it would be useful for the Observers to meet the Chief Electoral Officer (CEO) en-route their assigned Constituency(ies) after ascertaining CEO's convenience.

36. The RO will provide Telephone and one Fax with STD facilities to the Observers at the Circuit House or Guest House where they will set-up base.

37. The Observers shall also ensure that those numbers allotted to them at the Base Station are intimated to the Commission as soon as they reach the constituency. Again, the primary contact will be the Zonal Secretary.

38. The **candidates, political parties and the voting public have high expectations from the Observers** as the **direct representatives** of the **Commission** in the **Constituencies**.

39. The Observers shall not put excessive demands on the district administration and shall not fall prey to temptations of lavish local hospitality.

40. The observer is expected to keenly observe each and every development in the constituency and bring that to the notice of the Commission. Whenever he

observes a development which requires intervention and remedial measures on the part of the district administration/election machinery, he shall bring that to the notice of DEO/RO in a proper manner. **However the Observer must remember that he is not expected to do any executive role.** He is not expected to interfere in the day-to-day administration. A good efficient observer can always achieve this objective of ensuring a free and fair poll without himself keeping involved in taking measures which is beyond his jurisdiction.

OBSERVERS ARE OBSERVED

41. As the Election Commission monitors the micro details of the election management, the role of election observers has also undergone tremendous changes in recent times. It is relevant to keep it in mind that the observers are observed by all stakeholders. The growing presence of media even in the remote areas has added new dimension to the role of observer. The visibility of observers has increased. The political parties also are keenly watching the performance and behaviour of ECI observers. The Field Level Functionaries, Civil Society Organisations and even the common citizens have been giving inputs about the observers performance and about their behaviour to the Election Commission directly or indirectly. In recent times the Commission had to unilaterally withdraw the observers from the election duty and simultaneously had to initiate disciplinary action against them. Inputs have been received in some stray cases about observers making undue demand on the local administration; making fuss about accommodation and other facilities; making the local officers to pay for their purchases; spending more time on recreational activities such as playing golf and tennis and so on. In all such cases the Election Commission had unilaterally withdrawn the observer from the election duty and in some cases disciplinary action has been initiated.

FAMILIES NOT ALLOWED

42. A tendency has been noticed among few observers to convert their election assignment as a sight-seeing visit by visiting tourism spots and National Sanctuaries located outside the district and in one or two cases even outside the State. The Commission took a serious view about this and the observers were withdrawn and disciplinary action initiated against them

43. Complaints have been received in the past that some of the Observers had taken their families along with them while proceeding on duty as Observer. This not only causes inconvenience to the State authorities in making arrangements, but would also be cause of distraction in the performance of duties of the Observers. The Observers shall not take their families along with them while on duty as Observers and any deviation will be treated as an act of misdemeanour inviting appropriate action. The fact that an Observer has complied with these instructions will be suitably monitored by the Commission.

44. It is made very clear that the Commission will not only withdraw the observers from the election duty on receiving any input about the observers carrying their family members with them during the course of election duty but will also initiate disciplinary action against the observer in this regard. The explanation that the observer was making his own arrangement for the stay of the family members; was making payments for their food and stay etc. will not justify their carrying their family members during the course of election duty. The Commission does not approve the presence of any family member with the observer while the observer is on election duty. The Commission has **zero tolerance** on this issue.

VISITS

45. The Observers shall arrive strictly as per the schedule given to them. Before commencing their field visits, the Observers are expected to ensure that their tour programme has been duly publicised by the District Election Officer and that their place of stay, phone number etc. have been reasonably notified among the candidates and the political parties by the Returning Officer. The RO and the DEO will do the needful in this matter.

46. Since the Observers will be mobile and on tour of constituency for most part, it is advisable that observers also announce to the general public (through newspaper) that they will be available for personal meets during a fixed period of the day at their base. It could be any time for an hour or so, convenient for general public, who may wish to approach the observers. The time and hour thus arranged should be communicated to the zonal secretaries in ECI.

47. The Observers are expected to visit the Constituencies allotted to them strictly as per the schedule given to them. In case of any change in the schedule, instructions will be given separately by the Commission to Observers concerned – either at the time of briefing or by means of a written or, oral communication either directly or through CEO / RO/ DEO as appropriate.

POINTS TO BE COVERED BY GENERAL OBSERVERS DURING THEIR VISITS

48. The **initial stage of this visit** will cover the **scrutiny of nomination papers** and familiarization with the District/Constituency assigned to the Observers. They will check the polling stations that have been set up especially new one if any, the training and awareness campaigns for popularizing and familiarizing the polling staff, candidates, political parties, media and general public on Electronic Voting Machines, the general principles of randomization of polling personnel and the data base prepared by the district and its conformity to the instructions of the Commission (refer R.O. handbook), the dissemination of information on affidavits filed by the candidates as part of the nomination papers and the overall preparedness for the elections in the area allotted to them etc.

49. As this visit will also cover the peak campaign period and the date of poll, the Observers should specially take a closer look at the arrangements at the polling stations, deployment of magistrates and police forces, the observance of model code of conduct, in particular misuse of Government personnel, Government vehicles, Government buildings, defacement of property, etc. Special attention will be needed to the observance of the statutory restriction of stoppage of campaign 48 hours before the close of the poll, closure of the liquor shops 48 hours before the close of the poll, state of readiness and preparedness about the availability of EVMs, polling materials like forms etc. and the polling personnel to commence polling in all the polling stations in the constituency, as scheduled. Random questions can be asked to the polling personnel at polling stations to check up about their understanding of the procedure for the conduct of poll such as filling up of Presiding Officer's diary, the use of indelible ink, the procedure for tendered vote, the requirement for statutory and non-statutory papers being separately sealed, preparation of Form 17C, etc., etc. The Election Commission has recently decided that in all elections to be conducted after 1.2.2006, the indelible ink will be applied on voter's left hand forefinger as a line from the top end of the nail to the bottom of the first joint of the left fore finger as shown in the diagram below. Instructions to this effect have already been issued to the Chief Electoral Officers of all States and Union Territories with directions to send them to all District Election Officers, Returning Officers and Assistant Returning Officers so as to bring it to the notice of all Presiding Officers and Polling Officers. The Observers shall keep these instructions in mind while checking up about the understanding of the procedure regarding the use of indelible ink during poll.

50. The Observers shall closely see whether the counting staff are properly geared up for the work, the arrangements for counting at the Counting Hall including security and law and order are satisfactory, facilities for the press are properly organised, the counting personnel have been adequately trained in the procedure for counting.

51. The action taken for issue of passes to counting agents and their presence during the counting should also be observed, as also the manner in which objections are heard and finalised by Returning Officer before declaring the outcome of each round of counting including formal speaking orders being passed by him to ensure that there is absolute objectivity, fairness and transparency in the counting process as well.

52. The Observers should ensure after the declaration of result that the RO sends to CEO the duly filled and corrected copies of

- (i) Final Result Sheet in Form 20,
- (ii) Declaration of Result in Form 21C,
- (iii) Return of Election in Form 21E.

53. The Observers shall also ensure that during the nomination process, polling process and after the declaration of results, the RO/DEO sends the data to the Commission using GENESYS Software.

POINTS TO BE COVERED BY EXPENDITURE OBSERVERS DURING THEIR VISITS

54. The Expenditure Observers shall also reach the constituency/district strictly as per the schedule given to them. The objective of visit would also be the same as for General Observers, namely familiarisation and reconnaissance. In addition to this, they would also get a general impression about the cost of various components of the expenditure related to elections in respect of the constituencies allotted to them. They would also join the discussion arranged by the RO and DEO with the political parties during the methodology of maintaining accounts. The Expenditure Observer will make sure that the ROs have received copies of the latest instructions issued by the Commission in this regard.

55. This visit will also include peak period for campaign and the Observers will observe the campaign from the perspective of Election Expenditure. The ceiling prescribed for each candidate in different constituencies will be kept in mind. They will also keep a watch on the expenses of the political parties and friends and relatives of the candidates. Detailed and broad guidelines to be kept in mind in this regard have been indicated elsewhere as well as in the notes on reports to be submitted by Observers.

56. During the visit covering the counting process, other instructions regarding presence of Observers during counting given elsewhere may be kept in mind and followed scrupulously. The general instructions given regarding counting elsewhere in the document will be taken into account and they will co-ordinate with the General Observers in this regard.

CO-ORDINATION BETWEEN GENERAL AND EXPENDITURE OBSERVERS

57. The General and Expenditure Observers will discuss among them and settle common issues and establish appropriate co-ordination to cover different events of the elections. They will cover maximum area of the constituencies in the different phases. On the date of poll, the Observers together should try and cover the entire constituency through intensive and extensive visits to ensure that the poll is free and fair.

58. The Observers shall be physically present in the Constituency / District allotted to them latest by 0700 hours on the date they are expected to commence their work. In case, any problem of delay in reaching the Constituency is apprehended, it is the responsibility of the Observers to so work out their travel plan as to reach the Constituency earlier rather than later than the deadline. No

excuse for delayed arrival in the Constituency on account of delayed flight / cancellation of flight etc. shall be accepted.

TASKS, INPUTS AND DELIVERABLES OF VISITS

GENERAL OBSERVERS

1. VISIT(S) COVERING NOMINATION AND POLLING PROCESS:

Objective

59. During the visit the focus of the Observer would be on: familiarisation with the area of the constituency, the election machinery in the district, the candidates, the political parties and the electorate; assessment of preparations for conduct of poll and counting; maintaining of nominations and scrutiny; observing the campaign and the compliance on the Model Code of Conduct as well as supplementary instructions issued by the Commission from time to time; poll expenses of candidates; and a general watch on the complete election process.

Information Folder from RO

60. The Returning Officers will hand over to each Observer a folder containing a map of the district(s), a map of the Parliamentary/Assembly constituency, a List of Polling Stations as made available to the political parties in terms of the instructions contained in the RO's handbook, Telephone Numbers at a glance, a booklet containing the plan for managing the elections in the district and such other documents as are essential.

Inspection of Polling Stations and Field Visits

61. The Observers, between them, will inspect as many polling stations as is possible during the first few days of their visit and verify them. The selection of Polling Stations should be done on a random basis and the areas of the constituencies covered should serve as a reasonable sample. During these field visits, the Observers should talk to the electors, particularly in the villages and the less-developed areas in the towns and assess the level of confidence of the electorate in the electoral process and machinery. They should particularly talk to the electors belonging to the weaker sections and women electors for making such an assessment. They should enquire to find out about the voting in the previous elections. They may suggest to the ROs any corrective action as may be required to increase the level of confidence of the electors as per their own assessment.

Meeting with Political Parties, Model Code of Conduct

62. The RO will convene a formal meeting with the political parties and candidates with the Observers. The broad features of the Model Code of Conduct and the general instructions of the Commission in this regard should be comprehensively touched upon during this discussion. A general consensus should be evolved for making the elections in the area free and fair. The participants should be impressed upon to co-operate with the election machinery and the district administration to ensure a violence free, clean and good election with fullest participation of the electorate. During this meeting, the general arrangements on how to reach the Observers with complaints or information should be spelt out. The fixed time during which the Observers will be available in the base station and its location should be clearly indicated during this meeting.

63. Observers should thoroughly familiarise themselves with the Model Code and the latest Compendium of Instructions, so that they can participate in a meaningful and effective manner in the above mentioned discussion.

Review of Law & Order and Security Situation

64. The Observers should have a separate meeting with the District Collector and the SP to take stock of the law & order and security situation. It is important that the local Police Force and the Central Police Force are deployed in such a manner so as to optimize its impact in conducting free and fair polls and in providing a high level of confidence to the electors. An in-depth review of the assessment of sensitive polling stations should be made. Observers may give their suggestions for deployment of forces. District Authorities have been told that the deployment plan for forces should be made in consultation with the Observers.

65. The Observers should also make a quick assessment of any inter-personal issues which might impede in the smooth conduct of elections in the constituency. If there is any major problem on this account, this should be brought to the notice of the Deputy Election Commissioner concerned in charge of the State by telephonic contact.

Review of Preparedness for Conducting Polls

66. A separate and detailed interaction with the key functionaries in the election machinery should be held to assess preparedness to conduct poll. A checklist for this purpose is given at **Annexure 'D'**. A copy of this review note should form a part of the report to be submitted to the Commission after the finalisation of the list of candidates.

67. The following items need to be checked by the Observers thoroughly :

ELECTRONIC VOTING MACHINE

68. The Observers will check on the stock of EVMs available in the district and whether they have been serviced by the engineers of the manufacturing firms (either ECIL or BEL depending on the make of the machine used in that State). The Commission issues detailed guidelines to the Chief Electoral Officers and the District Election Officers for training and awareness generation on the use of EVMs. It has to be seen whether these training programmes have been taken up properly and the people are aware of the method of casting their votes on the EVMs. The training of Presiding Officers and polling personnel on the use of EVMs is critical. Detailed instructions in this regard should be checked with the DEOs and it has to be ensured that the polling personnel undergo adequate training on all aspects of handling EVMs. A detailed check list is provided at **Annexure 'E'** and the Observers should go through this check list with the DEOs and ensure that adequate measures have been taken for conduct of poll with EVMs.

ELECTORAL ROLLS

69. Several complaints have been received in the Commission that during past elections the electoral rolls provided at the polling booths were different from the electoral rolls that were provided to the candidates. The Commission has viewed such complaints with concern and decided as follows :

1. The electoral roll supplied to the polling booths shall be certified to be true copy of the one that has been provided to the candidates / political parties and the marked copy kept by the Returning Officer as per Conduct of Elections Rules, 1961 by one officer and one subordinate to be specifically responsible for the purpose.
2. The electoral roll supplied at polling booths shall be signed on all pages by these officers.
3. A copy of the electoral roll, which will be used on the day of election at polling booths (copy of the one given to the candidates / political parties) shall also be given to the Observer. The Observer shall check the authenticity of the roll provided at polling booths *vis-à-vis* the rolls given to the candidates on the day of poll at the polling stations visited by him. The Observers will discuss this subject thoroughly with the RO and ensure that there is no room for any complaint on this score. This aspect should also be explained to the candidates and political parties during discussion.

RANDOMISATION FOR GROUPING OF POLLING PARTIES' PERSONNEL

70. One of the important tasks for the Observers during the first visit would be to oversee the planning made by the RO and the District Election Officer for the proper selection and deployment of polling personnel, in accordance with the

Commission's guidelines regarding use of randomisation techniques for selection and deployment of polling personnel.

71. **Randomisation of polling personnel is compulsory with no exception whatsoever.**

72. Where computer facilities are not available, printed random number tables can be used for this purpose.

73. It is of utmost importance that the data base containing the names of the Polling Personnel and every essential information required is prepared sufficiently in advance. This will help in complying with the norms prescribed by, the Commission regarding the formation of groups and deployment of polling personnel. During this visit the Observers will ensure that the paper work has been completed and the RO and the DEO are in control of the situation.

74. The actual formation of the groups (Polling Party) and their deployment should be checked by the Observers and this will be done under their direct supervision. While the formation of groups and group numbers can be made known few days before actual deployment to facilitate service of appointment letters to the polling personnel, the destination of the group is to be generated separately and should be made known to the groups just before their actual departure or dispersal in the relevant dispersal centres. If it is absolutely unavoidable to prepare this deployment chart a few days in advance of the dispersal, this chart should be kept sealed with the Returning Officer or Assistant Returning Officer concerned if the dispersal centres are more than one and are located outside the RO's headquarters and should be opened only just before the dispersal. Both these operations have to be done by maintaining total confidentiality. The Observers will ensure that the confidentiality will not be breached under any circumstances. ROs will be directly and personally responsible on this score.

NOMINATION

75. The Observers should familiarize themselves with the revised nomination forms which are now in force (**Annexure 'F'**). Apart from it, the candidates have to furnish an affidavit on their criminal antecedents, assets and liabilities, the assets and liabilities of their spouse and dependents and their educational qualifications. Furnishing of these affidavits is mandatory. **However, the Returning Officer is not empowered to reject a nomination paper merely on the grounds that the affidavit is incomplete or incorrect.** The detailed instructions of the Commission are at **Annexures-'G' & 'H'** and the Observers **must** become fully conversant with the instructions contained therein.

76. The affidavits filed by a candidate are to be displayed on the notice board of the RO on the same day as the nomination is filed and the RO is also to freely

distribute copies of the same to other candidates, media and any person desiring to obtain a copy of the said affidavit. The Commission has issued instructions that the RO will also furnish a copy of this to the DEO, who will compile the affidavits in respect of all Parliamentary / Assembly Constituencies falling in that district and shall make it available to anybody desirous of obtaining copies of the same on payment of nominal charges. The Observers are expected to ensure that the instructions of the Commission on display and dissemination of the affidavits is done properly and in time. Apart from these standard instructions, separate instructions may be issued from time to time and the Observers should obtain copies of these from DEO and ensure their compliance.

ELECTORATE FIGURES

77. An important implication of this is the availability of final and verified figures of the number of electors for each polling station and the consolidated figure for the Assembly constituency as available on the last date of nomination. This data must be transmitted to the Commission using GENESYS Software. (See Appendices-II for formats).

SCRUTINY

78. The Observers are expected to be present during the Scrutiny of Nominations. However, before the scrutiny, it is important that the Observers verify from the Returning Officers the availability of latest instructions and orders of the Commission, which are specifically relevant for the Returning Officers in discharging their statutory functions for scrutinising the nominations.

79. The following items are important:

- a) The latest booklet published by the Commission titled "Political Parties and Symbols".
- b) Commission's instructions on criminalisation of politics and the latest Form of Affidavits which will accompany every nomination form.
- c) The latest copy of the List of Disqualified Candidates.
- d) Instructions and copies of latest versions of Forms A & B which are utilized by the political parties to indicate the names of their official candidates who are eligible for being allotted the symbol reserved for the party.
- e) An authentic copy of the Electoral Roll for the constituency.

80. It is important for the Observers to go through these instructions carefully in advance before they interact with the Returning Officers. They will confirm that

the Returning Officers have not only received the latest instructions but have understood the implications clearly.

81. Immediately after the process of withdrawal of nominations is completed, the process of Allotment of Symbols is taken up by the Returning Officers. The Observers will be available for overseeing this important activity.

82. As soon as the allotment of symbols is completed, a List of Contesting Candidates and Symbols allotted to them is published. A Statutory Report in Form 7A is prepared by the Returning Officer. This is a very important document and it is of utmost importance that copies of the same reach the Chief Electoral Officer at the earliest. The Returning Officers will make arrangements to send the original copy to the Chief Electoral Officer in the State / Union Territory through special messenger. The latter will consolidate these and send it through special messenger and camp bag to the Commission. The Commission is required to publish a Consolidated List of Contesting Candidates in English and Hindi. It is likely that some of the nominations may be filed in the local language. The Returning Officer will nevertheless prepare two sets of the copies of the Form 7A in English and as far as possible, also in Hindi and ensure that these are sent to the Commission through the process afore-mentioned. However, if the RO is unable to prepare the Hindi version, this can be left to the CEO who will get it done at his level. In any case, the English version and the version in the local language should invariably be sent by the ROs.

GENESYS SOFTWARE

83. **The Commission uses GENESYS software at its level and at CEOs level to capture the data, put it on website, and to prepare a number of reports. The Observers will ensure that data required for GENESYS software is entered by the RO/DEO or sent to CEO for entering at State level and sending to the Commission. (See Appendices-II for formats) The affidavits of contesting candidates have to be scanned at the RO/DEO level and then sent on floppy/CD to the CEO who will put them on state election website for wide dissemination. The Observers should ensure that this data goes to CEO on the next day after finalizing the list of contesting candidates.**

CONSISTENCY OF NAMES

84. It may be noted that only the name which is given in the Nomination Form is normally valid for all future references and use in the other related documents. The list of contesting candidates in Form 7A should reflect this name exactly and correctly with same spellings as given in the Nomination Form, unless the RO allows any deviation under rule 8 of the Conduct of Election Rules, 1961. Eventually the name of the candidate who is returned from the constituency is given in the declaration of the result in Form 21C. It is absolutely imperative that

this Form 21C, as also the return of the election in Form 21E and the certificate of the election in Form 22 contain exactly the same name as given in the list of contesting candidates in Form 7A. **Consistency of the names in the Forms 7A, Ballot Paper and Forms 21C, 21E, 22 has to be maintained without fail.** The Observers will impress upon the Returning Officers about this aspect and ensure that full compliance is made.

ACCOUNTS OF CANDIDATES

85. As per standard instructions of the Commission, the contesting candidates are required to maintain their election expenditure account in the prescribed register on day-to-day basis. They are also required to make available the said register with supporting documents, for inspection, at any time during the process of election, to the District Election Officers / Returning Officers / Election Observers appointed by the Commission or any other such authority nominated by the Commission in this behalf. It has also been clarified that the failure to produce this register on demand will be considered as a major fault. With the new Explanations 1 & 2 inserted under Section 77(1) [vide the 'Election And other Related Laws (Amendment) Act, 2003'] only the expenses on account of travel of 'leaders' of the political parties covered under Explanation 2 will be exempted from being included in the account of election expenses of a candidate. All other expenses – incurred / authorised by the political parties, other associations, body of persons, individuals – are required to be included in the account of the candidate. The revised format for maintenance of day-to-day accounts of election expenditure by contesting candidates and the abstract statement of election expenses to be furnished by every candidate with the register are placed at **Annexures 'I' & 'J'**. The Observers should strictly enforce the guidelines of the Commission in respect of maintenance of accounts by candidates, the scrutiny of accounts by the designated officers appointed by the DEO / RO and should themselves scrutinize the registers of candidates as frequently as possible. For this task, they will fix a schedule of inspection in consultation with the DEO and RO and will ensure that this schedule is intimated to all the candidates in advance for compliance. The Observers will furnish their reports on the accounts separately in respect of every candidate to the Commission.

FOCUS – COMPLIANCE OF MODEL CODE OF CONDUCT

86. During this visit, an important focus of the Observers will be on the campaign and the compliance of the Model Code of Conduct as well as Supplementary Instructions issued by the Commission from time to time, by all concerned. The latter include the political parties, including the ruling party, the candidates, the election machinery as well as the administrative machinery.

87. All instructions of the Commission have to be followed by the contesting candidates, administration, police and others in so far as the application of the

Model Code of Conduct is concerned. Any breach should be brought to the notice of the RO / DEO / CEO / Commission immediately.

88. Observer shall obtain and send a daily report to Zonal Secretary in ECI on the complaints received on violation of MCC and action taken by district administration on those complaints. The report should be in a simple tabulated form with running serial number for the complaints received. It should include **all complaints**, whether received by observer or brought to notice of observer by district administration in following format :

Name of State :

Name of District :

No. & Name of LAC / HPC (as the case may be) :

Date :

| Sl. No | Gist of Complaint | Source of complaint | Action taken |
|--------|-------------------|---------------------|--------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |

ENSURING PEACEFUL AND VIOLENCE-FREE POLLS

89. The Commission is also particularly concerned that the campaign period remains free from violence. The spirit of a healthy contest and a level-playing field is crucial and this should be respected and adopted by all concerned. Political parties and candidates should, therefore, cooperate with the district administration to keep the contest free from tension and violence. The district and police administration have an important role in ensuring this. The Observers will particularly keep close coordination with and monitor the functioning of the district administration and keep a close watch on the activities of the political parties and candidates from this angle and oversee that no undue advantage is taken by any party in whatsoever manner during the campaign. They should also be watchful to ensure that the level of confidence of the electors in general but more particularly of the weaker sections, disadvantaged sections and women are not eroded or compromised in any manner during the campaign period.

MONITORING OF LAW & ORDER SITUATION, REVIEW OF PREVENTIVE AND PREPARATORY ACTION TAKEN

90. The Commission has prescribed detailed guidelines regarding maintenance of law and order and security in the run up to the elections. Separate daily reports have been prescribed from the district level and the state level. The Observers will discuss this aspect in detail with the district administration and senior police officers and take stock of action taken. In case they find any major slackness or lacuna in this respect, they may immediately

bring it to the notice of the concerned district officers in the first instance for taking corrective actions. If the matter is serious and warrants intervention of the CEO or the Commission, they may suitably bring it to the notice of CEO and the Zonal Secretary concerned by personal contact and / or through separate reports. The time being short, immediate and prompt action in this regard will be essential.

91. As an observer, you have to pay special attention towards the Commission's instructions regarding sealing of national/international borders, if your assigned constituency has such border. Now-a-days when the polls are staggered and a district/constituency going to polls in one phase have such adjoining district/constituency where the polls are in another phase after a gap of a few days in between, then sealing of the border is supposed to considerably limit the infiltration from the cross border to intimidate the voters and create law and order problems.

PREPAREDNESS TO CONDUCT POLL

92. A further review of the preparedness to conduct poll should also be taken up with the RO, District Election Officer and other key functionaries.

93. The Commission has issued detailed guidelines regarding the size of the motorcades permitted during the campaign period. The Observers may familiarise themselves with these instructions and ensure that the district officers are enforcing the guidelines of the Commission in letter and spirit in a free and impartial manner.

PREPARATIONS FOR COUNTING

94. The Observers will also take stock of the preparations made by the ROs for counting of votes. They may visit the strong room and the counting centres during the course of their tour in the field. They should also check on the training given to the counting staff on EVMs.

95. Detailed instructions regarding counting arrangements have been issued by the Commission. The Observers may confirm that the ROs are well-conversant with these procedures and that the preparations for counting have been made accordingly.

TELECOM FACILITIES

96. In particular, the Observers will check whether advance arrangements regarding availability of telecom facilities for the exclusive use of Observers in counting centres have been made or not. In addition, the special arrangements for communication requirements of the Government-owned media, i.e., Doordarshan, AIR, PIB and the State Deptt. of Information and Public Relations

and Communication Bureau and of other media persons, candidates, their agents, political parties should have also been put in place or pucca arrangements made thereof.

PREPARATIONS FOR DATE OF POLL

97. Effective checks to curb electoral malpractice or vitiation of the poll process by way of booth capturing, rigging, creating a scare of fear and panic among electorate and effectively preventing them from casting their votes are major concerns. The methods adopted by unscrupulous elements vary from State to State and from constituency to constituency. The Observers are expected to familiarize themselves about the tricks of the trade prevalent in the area as well as identify the specific areas prone to such mischief.

98. The Observers between or amongst them should carefully plan out, in confidence, the areas which they would focus on, during the actual period of poll. This will be kept confidential and is not to be shared with anyone including the District Election Officers, ROs, Escort and Liaison Officers and PSOs.

VISIT TO DISPERSAL CENTRES

99. The Observers may visit the dispersal centres for despatching the polling parties to different locations and make a brief report on the manner in which the operations are being conducted. They will particularly see that the random formation of polling parties is being truly and correctly implemented.

DATE OF POLL

100. On the date of poll, Observers available in the constituency should tour the maximum number of booths as is physically possible during the hours of polling. For this purpose, they will mutually decide as to which polling stations they will visit on the poll day. Also to save time they may consider carrying some packed food and start field visits well before the poll begins. The presence of the Observers in the field on the date of poll and their visits to polling stations should be an effective deterrent against electoral malpractice and vitiation of the poll process. The Observers will ensure prompt and effective action on this score by interacting with the District Administration constantly through telephone, wireless, VHF Radio sets etc.

101. One of the most important responsibilities of the Observers is to oversee the actual poll which takes place on the Date of Poll as approved by the Commission. Since the polling starts very early in the morning, the Observers should plan to start their work from a convenient point sufficiently before the start of the poll. They should distribute the total area of the constituency between or amongst them in such a manner that they can cover the maximum area within the constituency allotted to them.

102. They should look for any unusual activity or lack of activity around a polling station to sense whether any electoral malpractice has vitiated or is likely to vitiate free and fair polls. **Absence of women in the queues may be an indicator of something unusual.** The Observers should in advance study and acquaint themselves with the pattern of electoral malpractices in the past elections in different areas. On this basis, they can look for tell tale signs, of any irregularities. They should constantly remain in touch with the RO, ARO, Sector Magistrates and other officers on duty to get feedback as well as to convey anything specific for corrective action to be taken by the concerned authorities on the basis of what the Observers have actually seen in the field.

103. They should also go inside Polling Stations and check for the progress of polling, the compliance of prescribed procedures by the polling officials in conducting the poll, the presence of polling agents, the updating of entries in the Presiding Officer's diary and such other matters that need verification. Register of Voters (Form 17A) must be checked with display of total votes polled on EVM and observer must sign the register along with his observation and record the time of his visit.

104. The Observers will also take stock of the collection of the EVMs and the transport of polling parties and polling materials under appropriate security arrangements. The convoys once started should only stop at the destination, that is, the strong room where these are to be stored.

105. An important point to be noted is that Form 17C has been completely and correctly filled in by the Presiding Officer and these are deposited along with the Presiding Officer's diary at the collection centres and strong rooms.

REPOLL AND ADJOURNED POLL CASES

106. The report of the Observer is the most important input for the Commission for taking a decision on ordering repolls. The Observers should therefore be vigilant and alert about any incident or activity which might or might have vitiated the poll process so that they can send a specific report to the Commission on this matter. Sometimes, information received from other sources are referred back to the Observers on telephone by the concerned Zonal Secretary or Deputy Election Commissioner and the Observers are expected to make such enquiries and verification as are possible within the constraints of the time available. After this and after taking into consideration any other input that may be available with the Commission, repoll is ordered in such of the polling stations as is considered necessary and appropriate by the Commission.

107. It is of utmost importance that the repoll itself is not vitiated in any manner. The Observers will give specific and comprehensive report on the actual conduct of repoll. The repoll, if any, will normally be held on the second day following the

date of poll unless specified otherwise. They will check with the ROs to ensure these revised instructions have been received by the ROs.

END OF POLL REPORT

108. The Observers will send a report in the form prescribed in Annexure 'M' at the end of poll showing the percentage of votes polled, role of polling agents and the number and nature of complaints received in regard to each polling station. In addition to this, the Observer has to send a comprehensive report highlighting all important factors, in case a repoll is recommended by him for a particular polling station or a group of polling stations.

2. VISIT (S) COVERING COUNTING PROCESS:

COUNTING

109. The Observers will ensure that RO/DEO and the technical people assisting him have tested the GENESYS software and are ready for fast transmission of final result to ECI using this software. They will have to go to internet, use the password given to them and transmit the data to ECI. As this data gets loaded to the website automatically, it is essential that wrong data is not transmitted on the counting day. Hence doing the “dummy run” on designated date is also essential.

110. **The statutory provisions** regarding Observers specifically focus on their role during the counting process and **empower them to stop counting and to direct the RO/ARO not to declare the result under different circumstances.** The statute thus enjoins a special responsibility on the part of the Observers to oversee and supervise the counting process and also to provide a direct immediate communication to the Commission. **The Commission accordingly expects that the Observers will have a key role in the superintendence of the counting process.**

111. The Commission is particularly concerned that the entire counting arrangement should be orderly and well-structured. The Commission attaches great importance to the fact that the actual counting is done in such a manner that it is not only smooth and efficient but more importantly transparent and correct. Reasonable opportunity is to be afforded, as per existing instructions of the Commission, to let the counting agents of the candidates get a clear view of the counting process as it goes on each counting table. There should be no room for any doubt.

112. The Commission has issued detailed orders regarding the arrangements for counting. These include the specifications for selections of counting centres and for managing the counting process.

113. For ensuring accuracy of the result of counting, a roundwise statement shall be prepared by the Returning Officer in the proforma annexed hereto (Appendix-I; Annexure-K). Both the Returning Officer and Observer shall personally verify that the number of votes posted against the name of each candidate in respect of every counting table tally with the figures as shown in part II of Form 17'C' (result of counting) pertaining to that table. They shall append their initial below the total of each counting table. A copy of the detailed table-wise, polling station-wise, round-wise break up of the votes as shown in the said Annexure will be kept by the observer in his folder.

114. The Commission has prescribed a format for approval of counting centres and the Returning Officers have been directed to personally inspect each counting centre and send their proposals to the Commission for its approval. During the initial stage of their visit, i.e. before the scrutiny of nomination papers, the Observers will check if the data in the format has been sent to the Commission for approval by that time.

115. During this very stage of the visit itself, the Observers between them will also inspect each counting centre for a preliminary assessment of the facilities in the counting centre and to verify that these are as per specifications prescribed by the Commission. In addition to what is given in the Returning Officers' Handbook, the recent instructions given by the Commission should be read by the Observers thoroughly and, on this basis, they will interact with the Returning Officers to effect any further improvement as may be necessary for making the arrangements in the counting centres, up to the standard prescribed by the Commission.

116. One of the most important features relates to provision of specific facilities for the Observers and media in the counting centres. It is now mandatory for the Returning Officer to provide a separate room or a cubicle for the Observer or Observers in each counting centre with one STD telephone and one fax attached to this.

117. The Commission proposes to closely monitor the progress of counting of every counting centre and obtain periodic progress from the Observers. In addition, a separate room with telecom facilities is to be provided for Doordarshan, All India Radio, PIB and the State Information and Public Relations Department. Another room with a Communication Bureau is to be set up by the Telecom authorities. The last two will be paid for services. Observers will verify that appropriate advance action for this purpose has already been taken by the Returning Officer. The telephone numbers are to be obtained in advance for the Observers' use and these are to be communicated by the Observers by a specific report to the concerned Zonal Secretaries. This part of the confirmation regarding counting arrangement should be ensured before preparation of the first report of the Observer and a copy of this should be enclosed to the first report of the Observers apart from being communicated as a separate fax communication.

118. The tallying process at the end of each round of counting should be completed in a systematic manner and the round-wise progress announced within the halls by the concerned ARO-in-charge. Immediately thereafter, this should be announced over the public address system. These public announcements could be centralised in a counting centre with multiple halls.

119. The Observers will also ensure that as soon as the final results and the winning candidate are announced and all the relevant papers are signed by the RO, the final detailed result is transmitted to ECI website. For this, the technical person assisting RO/DEO will have to go to internet, use the password given to them and transmit the data to ECI. **As this data gets loaded to the website automatically, it is essential that wrong data is not transmitted on the counting day.**

REPORTS BY GENERAL OBSERVERS

120. The Commission expects at least three reports from the Observers:

- (i) The first, after the finalisation of the list of candidates;**
- (ii) The second, after the polling is over; and**
- (iii) The third, after the declaration of results.**

121. All the reports must reach the Commission at the earliest. It is now common to send these by Fax. **The submission of Faxes should be invariably followed by sending a post copy.** This should be invariably sent by speed post or registered post. Depending on their travel plan, the post copy should be despatched from the nearest Post Office en-route of the Observer and not necessarily from the constituency or district headquarters from where the report can reach the Commission at the earliest. **The Observers are encouraged to send these reports by e-mail to the concerned officers in the Commission.**

122. In addition, the Observers shall keep the Commission informed of the developments during the date of poll / counting through spot reports through wireless / fax or any other fast means of communication.

123. The Commission has prescribed sample format for the reports of the Observers. While situations and perceptions in regard to maintaining the purity of the elections can materially differ from constituency to constituency, there can be some common points of interest also, viz.:

- (i) That the conduct of election machinery in the field is free from bias, impartial and not influenced by any local extra-constitutional authorities.
- (ii) That the complaints received from the candidates and their agents are being suitably and with due and deliberate speed disposed of by the election machinery.

(iii) That the location of polling stations, the composition of the polling parties, the deployment of the Central and State police forces, the preventive action of the local law and order machinery to curb poll violence and intimidation and counting of votes, are being carried out in a manner which minimizes vitiation of the process to conduct peaceful, fair and free elections.

(iv) That the local election machinery is taking all practicable steps to ensure the observance of the Model Code of Conduct.

124. All reports of the Observers shall be sent to the Zonal Secretary looking after the particular State / Union Territory in closed envelopes. Observers shall not, under any circumstances, share the contents of their reports or any information therein with anyone, repeat anyone, except the Election Commission. They are specifically forbidden from compromising the confidentiality of their Reports. CEOs / ROs and DCs are not authorised to access these reports. Utmost care should be taken while faxing or mailing the reports to ensure that no unauthorised person can have access to such reports.

125. Oral communication with the Commission, on urgent matters which cannot be kept pending till the written report, through telephone or through any other fast and reliable means, during the field visit will be welcome. All telephonic communication should preferably be held with the Zonal Secretary concerned and must be followed by a written message in confirmation.

DEPARTURE REPORTS AND RELEASE OF OBSERVERS

126. The Observers will be automatically released from their duty, unless specifically recalled for any emergency, after they return to HQs after declaration of results and submit their report on completion of duty to the controlling officer. They should also intimate their controlling officer about their completion of duty and submission of final report to the Commission.

127. Each Observer, on completion of duty within the constituency and after completing all other formalities as prescribed elsewhere in the guidelines, will send a departure report. He shall direct the RO / DEO to fax a copy of this to the Commission, the CEO and the controlling officer or supervising officer of the Observer. He shall also prepare a report of completion of duty, immediately on arrival at his headquarters. He shall get this countersigned by his supervising officer or controlling officer who shall then hand over a copy of the same to the Observer and forward the original to the Commission.

OBSERVER'S WEBSITE

128. A special website <http://Observers.eci.gov.in> has been created for the Observers. Apart from various templates and powerpoint presentations, links have been given for material on elections and democracy, for travel plans and telephone directories etc.

MISCELLANEOUS

129. Under no circumstances, should the Observers communicate or talk with the Press.

130. The Observers should not call meetings of the political parties independently. They should, however, attend the meetings of the political parties called by the Returning Officers.

131. The District Election Officers will ensure that the place of stay, the phone number, the dates of visit of the Observers are duly publicised in the constituencies. The Observers shall double check this. They have to make themselves easily accessible to whoever wants to meet them with an election-related complaint or information.

132. The Election Commission will take all practicable steps to ensure that the Observers are protected against any victimisation due to their reports.

133. Please indicate the constituencies and the State in which you have been appointed as Observer and also whether you are a General Observer or an Election Expenditure Observer in all your communications to the Commission. This will facilitate easy identification and quick procession of your communications. Observer Code MUST be mentioned on the reports/faxes.

134. Please indicate in each report, whether it is the first report, second report or third report.

135. These are intended only as General Guidelines and changes, if any, to suit each election and the States / Constituencies from where the elections are held, will be indicated at the time of briefing or by written instructions subsequently.

DOs AND DON'Ts FOR OBSERVERS

DOs

1. Attend the briefing and debriefing sessions fixed by the Commission from time to time.
2. Ensure that all the documents mentioned in the Letter of Appointment are received in proper shape.
3. Obtain missing documents or replacement of mutilated / damaged documents from Secretary (Planning & Coordination).
4. Notify your correct office and residential addresses and telephone / fax numbers by filling the Personal Information Sheet at the Registration Desk. Also please notify changes, if any, from time to time, to the Zonal Secretary.
5. Draw up your tour programmes sufficiently in advance and intimate to the Chief Electoral Officer, District Election Officer and the Returning Officer of the constituency concerned.
6. Note carefully the numbers of visits, duration of visits and the period of visits given by the Commission and strictly act according to this.
7. Ensure that your tour programme is duly publicised within the constituencies allotted to you.
8. Identify areas / polling stations which might require closer attention.
9. Ensure that adequate stock of all election materials are actually available in adequate quantities.
10. Ensure the completeness and correctness of electoral rolls.
11. Make an independent assessment of the Law and Order situation in general.
12. Make a random check of as many polling stations as possible and verify them.
13. Monitor instances of violation of Model Code, ban on transfer etc.
14. Familiarise yourself with the use of Electronic Voting Machines (EVMs), and attend some training rehearsals.
15. Ensure that sufficient publicity regarding EVM has been given so that media and general public has no misgivings about EVMs.

16. Monitor the constructive deployment of central forces.
17. Send a report to the Commission within 24 hours of your return to the headquarters after the visit. In addition, also please send spot report (s) from time to time as considered necessary.
8. Bring any development that merits immediate remedial action or attention of the Commission, to Returning Officer's / Commission's notice without any loss of time. Such information should not be deferred till the regular reports are submitted.
19. Send your report in a closed envelope addressed to the **Zonal Secretaries** looking after the particular State / Union Territory.
20. Attend meetings of the political parties called by the District Election Officers / Returning Officers.
21. Make independent assessment of the expenditure incurred by a candidate, political party or any other person.
22. Speak to the local people and check posters, pamphlets etc. to arrive at an independent assessment.
23. Inspect the register of Election Expenditure prescribed by the Commission.
24. Obtain prior permission of the Commission before leaving the headquarters.

DON'Ts

1. Do not ask for any exemption from the briefing and debriefing sessions.
2. Do not go to the State capital to meet the Chief Electoral Officer if the route to the constituency from your headquarters does not pass through the State capital.
3. Do not share the contents of your report with anyone including the Chief Electoral Officer.
4. Do not talk to the Press.
5. Do not call meetings of the political parties on your own.
6. Do not make any unreasonable demands to the Chief Electoral Officer / District Election Officer / Returning Officer regarding accommodation, vehicles, security etc.
7. Do not leave your headquarters once you have been allotted specific constituencies without the prior written permission of the Commission.

8. Do not defer submitting reports of any development which requires immediate remedial action till submission of your regular report(s), but bring it to the Commission's notice by fastest means.

Notes on Reports
To be submitted by General Observers

FIRST REPORT(After finalization of the List of Candidates)

(This report must be received in the Commission within 48 hours of the date of withdrawal , along with copy of Form 7A)

It should cover the following points to enable the Commission to understand the ground position and take remedial measures in time :-

1. Earlier experience of the senior Election /Police Officers in the conduct of elections.
2. Team spirit prevailing in the District Administration and the Election Machinery and particularly the DM and SP.
3. Polling Stations inspected by you and any specific problem.
4. Assessment of the law and order situation in the constituency.
5. Steps taken by the district administration in terms of preventive arrests, security bonds, arms seizure, action under NSA, unearthing illegal arms factories etc.
6. Regarding preventive arrests and taking bonds and surety for good behaviour, please make an assessment whether the same set of bad characters are being proceeded against as in the previous elections or whether some skewness has come about, and if so, state reasons thereof. Check that there is no bias at any level in implementing this. Give your own assessment on this aspect. Also leave instructions to keep such data ready for your next review.
7. Candidates awareness of the Commission instructions on vehicles to be used for campaigning? [The candidates are to give details of vehicles to be used by them for campaigning to the DEO or / and other officer designated by the DEO and deploy these vehicles only after furnishing such information. Any vehicle other than these, found campaigning, attract provisions of 171-H of IPC as well as seizure and being put to use by the administration for election purposes]. Also, please check whether instructions regarding breaking of

convoys of more than 3 vehicles (plus security vehicles) are being strictly followed. If not, then ensure that this is complied forthwith. Also ascertain how the administration intends to implement this and leave instructions that the daily progress in this regard should be maintained and shown to you in your second visit.

8. Have the provisions of the Model Code of Conduct been explained to candidates and political parties? CEO is the first level of contact for RO / DEO for any clarification. Check if there is clear understanding of issues and that the various supporting and supplementary instructions issued by the Commission have been clearly understood. Give your brief assessment of this aspect.

9. What arrangements have been set up by the local administration to prevent defacement of property, both public and private, through writing of slogans, pasting of posters, erecting cut-outs and so on?

10. How effective have these arrangements been so far? Please state if anything more is required to be done by the local administration. If they require energising or some changes are necessary for the campaign period, please discuss with the DM and indicate what results have been achieved.

11. What is the procedure being followed in respect of Government Guest Houses in terms of the Model Code of Conduct? Are they being used by VIPs etc., for any electioneering purposes? Are they being allotted in a fair and equitable manner? Please give your brief comments.

12. Do the local officials meet ministers etc. when the latter come to campaign? Please check from log books of vehicles of some district officials. Repeat this exercise again after some time.

13. Please visit all the counting centres. Ensure that there are adequate facilities for toilet, water etc. Ensure that there is standby lighting facilities in case of power break down at the counting centres and adequate arrangements for fire engines, extinguishers etc. Have arrangements been made for generators? Petro max lights for every hall should also be available. Counting is to be carried out on Assembly Constituency basis. Check if Commission's latest instructions have been received. Collect a copy of the data sheet for approval of polling centres and check if the formal approval has been received.

14. Where will the EVMs be kept after polling? Are the arrangements particularly security arrangements adequate? Has the district administration identified the force that would guard EVMs received after poll till counting? Is there space, shelter and facilities of toilet etc., for representatives of political parties to stay around these premises and keep a check on this storage?

15. How far is the storage space (Strong Room) from the place of counting

centres? How will the EVMs be conveyed to the counting centres?

16. Indicate briefly the availability of election materials and the expected date by which some of these, like EVMs, paper seals, indelible ink etc. would be arriving in the district(s). Also ascertain about the arrangements made for checking of the printed ballot papers and their safe storage before their supply to polling booths.

17. Comment about the training schedules drawn up for poll personnel.

18. Are the DEOs aware of the recent amendment to Section 159 of R.P. Act, 1951 regarding the categories of personnel allowable under law for being deputed for poll duty?

19. The polling parties are to be constituted on a random basis. No two members of a polling party should be working in the same department. Where the local politics is influenced by contest of various social groups, the polling party should not consist of members of the same group. The composition of polling party should normally be done on a computerised basis of randomisation. Please state whether this is being done on ground as envisaged. Is a standard software given by the CEO being used? Or has the software been locally developed? How many persons are being used in this exercise? If the district does not have computer facilities then how is this being approximated on a manual basis? Are standard printed tables of random tables being used?

20. Check whether the recognised political parties have been given the same electoral rolls that are to be given to the polling parties for use at the polling stations.

21. Find out from the District Election Officer how many persons have entered the rolls subsequent to the date of publication and till the date of your visit and write down that figure on an assembly constituency-wise basis. Refer to the guidelines for the documents to be collected.

SECOND REPORT (After Polling is over)

This report should be sent after the polling is over and should cover all important activities undertaken by you during the campaign period and the receipt of polled EVMs in the collection centres. However, you must remember that as some of the activities will have direct bearing on the poll process and if you feel that there is an urgent need of intervention by the Commission you may furnish a report in between so that the Commission can take timely measures. Otherwise the report can, in the normal course, be sent after the poll is over, covering the observations made by you while carrying out the activities detailed below:-

1. Observance of the provision of the Model Code of Conduct by the

administration in respect of posters, Government Guest Houses, visit of Ministers and other VIPs in the constituency and deployment of vehicles for campaigning and convoy used for campaigning.

2. Plan made by the Returning Officers to receive back the EVMs. The EVMs should come straight from the polling stations to the place of storage.

3. Whether Representatives of the political parties were allowed to follow the vehicles by which the EVMs were brought back to the receiving area.

4. Whether the Returning Officer did constitute a team to go through the Presiding Officers' diaries as soon as they are received so that cases of repoll can easily be identified.

5.. Whether the Central Police Forces deputed for the districts / constituency had been effectively deployed.

6. Whether the lists of sensitive and super sensitive polling stations were drawn up by the District Administration to see whether such lists have been prepared with due care and caution. Also, whether law and order arrangements for these polling stations were adequate.

7. Whether precautionary measures were taken to ensure that the Presiding Officers' diaries did not get up into the strong room that would contain the polled EVMs.and that these were kept in sealed covers and taken to the Returning Officer immediately under appropriate security.

8. Whether the District Election Officer / Returning Officer had set up a system by which, if repoll is ordered, he need not open the strong room where the polled EVMs have been kept to give unused ballot papers to the polling party going for the repoll. Separate but foolproof arrangements should have been made for this.

9. Whether public campaigning was stopped 48 hours before close of poll and the law on the subject was followed by all contesting candidates and political parties.

10. Quality of training imparted to polling staff by the administration.

11. Submit a report in the prescribed proforma(Annexure-M) giving polling station wise details regarding percentage of votes polled, presence of polling agents in the polling stations etc

12. The Commission expects you to visit as many polling stations as possible. Between all the Observers, there should be wide coverage of the constituency. If you are recommending repoll anywhere, then clearly state constituency and

number of each such polling station and the reason for the repoll and fax it straight to the Commission. At the end of the polling day, send another short consolidated report stating clearly the repolls recommended, if any. Thereafter, ensure that all EVMs have been put in the strong room, the place sealed, secured and guarded as per standing instructions of the Commission.

13. Send an end of poll report in the prescribed proforma (Annexure - M).

THIRD REPORT (Covering Counting and declaration of results)

- This report must be received in the Commission within 24 hours of declaration of results and should be based on the observations made on the following points:-

1. Checking of all the counting centres, number of tables in each hall, arrangements for counting agents and other counting staff.
2. Whether classes for counting staff have been held.
3. Checking of the strong room where the EVMs are being kept.
4. Whether it was ensured that the RO has received prior clearance from the Commission (wherever applicable) before commencement of counting.
5. When counting was going on, was it ensured that after every round, the figures from each table were being correctly posted in the result sheet on the Head Table.
6. Whether it was ensured that the Returning Officer or the Assistant Returning Officer announced the tally candidate-wise after each round, taking into account objections, if any, disposed of the objections and only then posted the result for every round of counting. This exercise was to be done at the end of each round.
7. In case you observed any irregularity during the course of counting, did you report the fact immediately for Commission's direction before the result was declared. **In such cases, you were required to exercise your power to stop the declaration of results, pending receipt of Commission's direction.**
8. After counting is over and result declared, did you ensure that RO/DEO had faxed the copies of Forms 20, 21C and 21E to the CEO and also entered the results in GENESYS Software. Also you were to **ensure that correct detailed results are reflected in the Commission's website <http://eci.gov.in>.**

NOTES FOR REPORTS TO BE SUBMITTED BY EXPENDITURE OBSERVERS

FIRST REPORT (After finalization of the List of Candidates)

1. State whether all the candidates been furnished with the registers in which they are to maintain daily account of election expenditure.
2. The decision of the Commission is that a candidate has to show his register maintaining day-to-day accounts of election expenses for inspection once every three days. Furthermore, the register can be shown either at the headquarters of the Parliamentary Constituency or at the headquarters of any of the Assembly segments, depending upon the convenience of the candidate, and to any of the Officers designated by the DEO to inspect such accounts. Therefore, state
 - a) Whether the District Election Officer has designated in each Assembly constituency an officer to check the accounts of daily expenditure maintained by the candidates;
 - b) Whether all the assembly constituencies have such designated officers; if no, then ensure this gets done.
3. (a) Discuss with the District Election Officer, his officers and obtain the prevailing rates in the District for printing of posters, hiring of vehicles, loudspeakers, cost of erecting pandals and hiring of furniture and fixtures, etc., (basically, items of expenditure listed in the register to be maintained by the candidate).
- (b) Attend a meeting with all the candidates or their election agents organised by the RO / DEO and explain to them what is required to be done for the proper maintenance of registers showing daily accounts of expenses. Convey to them the prevailing rates on the above items of expenditure, as apprised to you by the DEO and his officers.
- (c) Take a meeting with the designated officers who would be checking the accounts of expenditure of candidates on every 3rd day and instruct them on how they are to do the checking of the registers.
4. List out the polling stations inspected by you.
5. Please visit all the counting centres jointly with the General Observer(s) if possible. Points given in the notes for General Observers may be seen.

6. After discussion with the General Observers, you may share part of the responsibility.

SECOND REPORT (After Polling is over)

1. Please check on the work done by the designated officers in checking the daily accounts of expenditure maintained by the candidates.

2. Find out from the daily account registers whether the rates of expenditure put down therein by the candidates have a reasonable nexus with what you had ascertained from your discussions with the District Election Officer in your first visit.

3. If there are glaring errors regarding 2 above, then please point it out to the candidates, **but do not force them to change the figures mentioned in their registers.**

Make a note of it and give a copy to the DEO and enclose a copy with your report to the Commission.

4. On the day of poll, visit as many polling stations as possible in coordination with the other Observer(s) for the District / Constituency(ies).

5. During these visits, keep a special check on the vehicles moving in the area to find out whether any vehicles are being used for free conveyance of voters. If so, intimate the police authorities to take immediate action to confiscate such vehicles and proceed against the offenders.

6. Report to the Commission forthwith the cases, where repoll is considered by you, giving reasons for such repoll.

7. After the close of poll, ensure that all polling parties with polled EVMs and other polling materials / records have reached the storage centre and deposited the same, in respect of areas visited by you.

THIRD REPORT (Covering Counting and declaration of results)

1. Please check the expenditure incurred by the candidates between the completion of polling and counting. The expenditure here would be regarding counting arrangements.

2. Ascertain whether these are being reflected in the daily accounts of expenditure by the candidates.

3. For counting, follow the notes given for General Observers.

4. In your Final Report, also give your estimates on the expenditure incurred by

- (i) the main (list three) candidates in the constituency,
- (ii) their political parties, and
- (iii) also state whether the expenditure on main items like public meetings, gates / arches, vehicles, loudspeakers, posters, cut-outs, etc., has been grossly under-rated (in comparison to the rates which you had ascertained during your talks with DEO in the initial stage of your visit) by any candidate, or under-qualified or suppressed altogether (in juxtaposition to that observed in the field during the campaign period) by him. Point out such glaring inaccuracies / omissions in the accounts of every such candidate, with reference to the supporting documents/vouchers which the candidates have kept along with their accounts and give your own estimates of expenditure on such items by the candidates concerned.

APPENDICES -I

APPENDIX - I

- | | | |
|-----|--------------|--|
| 1. | Annexure 'A' | Personal Information Sheet of Observers |
| 2. | Annexure 'B' | Letter of Intimation to Returning Officer (Copy of Form 12) |
| 3. | Annexure 'C' | Entitlement to Travel by Air |
| 4. | Annexure 'D' | Checklist for Poll Preparedness |
| 5. | Annexure 'E' | Checksheet for Observers regarding the use of Electronic Voting Machines |
| 6. | Annexure 'F' | Nomination Paper |
| 7. | Annexure 'G' | Commission's Order regarding filling of Affidavits |
| 8. | Annexure 'H' | Affidavit to be furnished by Candidate along with Nomination Paper |
| 9. | Annexure 'I' | Register for Maintenance of day-to-day Accounts of Contesting Candidates |
| 10. | Annexure 'J' | Abstract Statement of Election Expenses |
| 11. | Annexure 'K' | Statement Showing Polling Station - round wise result |
| 12. | Annexure 'L' | Guidelines for Micro-Observers |
| 13. | Annexure 'M' | Proforma for the 2nd report of the Observer after the end of the poll. |

PLEASE MAKE NECESSARY MODIFICATIONS AND SUBMIT AT THE REGISTRATION COUNTER

DOPT No.....

OBS-CODE

Personal Information Sheet of General Observer

| | | | | |
|----|--|-------|---------------------|-----------|
| 1. | Name of Observer (in Capital letters) | Title | First & Middle Name | Last Name |
| 2. | Service - IAS Cadre | | Batch | |
| 3. | Date of Birth | Sex | | |
| 4. | Particulars of (a) Self | | | |
| | Home State (b) Spouse | | | |
| 5. | Sponsoring Authority | | | |
| 6. | Languages Known | | | |
| 7. | Full Designation | | | |
| 8. | Office Address (with Room No./Building) | | | |
| | Address Line 1 | | | |
| | Address Line 2 | | | |
| | City | | Pin Code | |
| | State | | | |
| 9. | Contact Information | | | |
| | Office Telephone with STD Code | Fax | | |
| | Residential Telephone with STD Code | | | |
| | Emergency Contact | | | |
| | E-mail | | | |
| | Mobile | | | |

Declaration : I certify that the above information is correct.

Signature_____

Date_____

PLEASE MAKE NECESSARY MODIFICATIONS AND SUBMIT AT THE REGISTRATION

COUNTER

OBS-CODE

Personal Information Sheet of Expenditure Observer

| | | | | |
|----|--|-------|---------------------|-----------|
| 1. | Name of Observer (in Capital letters) | Title | First & Middle Name | Last Name |
| | | | | |
| 2. | Service Batch | | | |
| 3. | Date of Birth | Sex | | |
| 4. | Particulars of (a) Self | | | |
| | Home State (b) Spouse | | | |
| 5. | Sponsoring Authority | | | |
| 6. | Languages Known | | | |
| 7. | Full Designation | | | |
| 8. | Office Address (with Room No./Building) | | | |
| | Address Line 1 | | | |
| | Address Line 2 | | | |
| | City | | Pin Code | |
| | State | | | |
| 9. | Contact Information | | | |
| | Office Telephone with STD Code | | | Fax |
| | Residential Telephone with STD Code | | | |
| | Emergency Contact | | | |
| | E-mail | | | |
| | Mobile | | | |

Declaration : I certify that the above information is correct.

Signature_____

Date_____

FORM 12

(See rules 19 and 20)

Letter of Intimation to Returning Officer

To The Returning Officer for Assembly / Parliamentary Constituency.

Sir,

I intend to cast my vote by post at the ensuing election to the Legislative Assembly/ House of the People from the Assembly Constituency/Parliamentary Constituency.

My name is entered at S.No. in Part No..... of the electoral roll for Assembly Constituency within..... Parliamentary Constituency.

The ballot paper may be sent to me at the following address :

.....
.....
.....

Place

Date

Yours faithfully,

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, NEW DELHI-110001

C.R. BRAHMAMSECRETARY (PLANNING)

ECI/GE98-464/OBS/98/PLN-I

DECEMBER 31, 1997

To

1. The Cabinet Secretary
Govt. of India,
Rashtrapati Bhawan,
New Delhi
2. The Secretary to the
Govt. of India,
Ministry of Finance,
Deptt. of Expenditure,
New Delhi
3. The Chief Secretaries / Chief Administrators, All States & Union
Territories.
4. The Chief Electoral Officers of all States and Union Territories

SUBJECT : Election Observers — Entitlement to travel by Air.

Sir,

I am directed by the Commission to state that in connection with the forthcoming General Elections to Lok Sabha and certain State Legislative Assemblies as well as at all elections, Commission appoints senior IAS and IRS Officers as Observers. While by and large, most of the officers appointed as Observers do not have any problem in so far as eligibility for Air Travel as Observers of the Commission, there have been occasions in the past elections on account of non-eligibility on strict application of the entitlement related to the basic pay of the officers.

Since Observers have to make normally three trips to the constituencies allocated to them as General Observers and Expenditure Observers and in certain cases of highly sensitive constituencies the number of trips the Observers may have to make may be more as may be directed by the Commission, it is necessary to issue appropriate orders to all the Ministries, Departments and

subordinate offices that all Officers appointed as Observers by the Election Commission under the provisions of Section 158A of the Representation of the People Act, 1951 would be eligible to travel by air for the purpose of performing their duties as such.

I am directed by the Commission to request you to intimate all Ministries, Departments, subordinate offices, Departmental Organisations and Public Sector Undertakings accordingly and that the officers appointed as Observers will not only be eligible to travel by air, but shall also be eligible to travel by any scheduled commercial flights, whether in public sector or privately operated flights.

Kindly acknowledge receipt.

Yours faithfully,

(C.R. BRAHMAM)

Copy to:

1. The Establishment Officer, Govt. of India, M/Personnel, Public Grievances & Pensions, DOPT, New Delhi
2. Shri B.S. Meena, Joint Secretary, D/Revenue, Ministry of Finance, North Block, New Delhi
3. The Director, Central Board of Excise & Customs, Department of Revenue, North Block, New Delhi
4. The Director (AD. VI), Department of Revenue, Central Board of Direct Taxes, North Block, New Delhi

(C.R. BRAHMAM)

Election Commission of India

CHECKLIST FOR POLL PREPAREDNESS

SECTION I

1. Whether electoral rolls have been revised ? If yes, date of final publication and details of electors (men and women).
2. Whether modifications to lists of Polling Stations sent to the Commission and approval conveyed Details of proposals received in the Commission and those yet to be sent to you.
3. Whether appointments of ROs and AROs including additional AROs for counting approved and notified - Details.
4. Position regarding identification of places of counting - Action taken for the same.
5. Working out of proposals for counting programme - Details.
6. Whether sensitive and hypersensitive polling stations identified - Details in number Assembly / Parliamentary Constituency-wise.
7. Availability of EVMs.
8. Whether printing presses for forms etc. have been identified - Details.
9. Details of programme for training on EVMs.
10. Training of polling and police personnel - Details of scheme - How many training centres and what levels and duration of each training session for each level?
11. Arrangements for deployment of adequate polling personnel - total required.
12. Details of number of police personnel available in the State - Whether adequate - Plans for augmentation, if any, excluding Central Forces Other outfits like Home Guards, Village Police etc.
-Number and how recruited.
13. Requirement of Central Forces - Whether sent to the Government / Commission.

SECTION II

14. Position regarding procurement of additional free symbols, if sent to the Commission.
15. Details of Manuals and Hand Books, if available in sufficient numbers - Action taken to procure them, if not already available and deadline fixed-

- Details of the same.
16. Position of printing of statutory and non-statutory forms.
 17. Requisitioning of vehicles.
 18. Requisitioning of premises - Number required and action taken.
 19. Action on scrutiny of antecedents of statutory and election-related officers
- How many cases have come up and when sent to the Commission?
 20. Identification of likely trouble-spots - Number and details.
 21. Videography of critical developments - What procedure is being adopted?

SECTION III

22. Plan / action taken for telecommunication facilities
-What steps have been initiated ?
23. Whether action to start special camp bag system initiated - If not, when is it proposed ?
24. Whether arrangements for setting up of Control Room finalised - Details thereof - Indicate arrangements regarding how to manage and what level of officials will be available - Duration of working hours and phasing -
 - (a) Control Room at CEO's Office.
 - (b) Control Room at DEO's / RO's Office.
25. Media Centres - Arrangements and system of manning / equipment to be available - Manning details and the period for which it would function-
 - (a) Control Room at CEO's Office.
 - (b) Control Room at DEO / RO's Office.
 - (c) Control Room at Counting Centres.

SECTION IV

26. Issue of authority letters to media persons - Action taken regarding.
27. Election materials - Details of action taken to procure:-
 - (a) Paper for printing Ballot Papers
 - (b) EVMs
 - (c) Address Tags
 - (d) Green paper seals
 - (e) Special Tags
 - (f) Outer strip seal for EVMs
 - (g) Symbol blocks
 - (h) Voting compartments and
 - (i) Indelible ink.

**CHECKSHEET FOR OBSERVERS REGARDING THE USE OF
ELECTRONIC VOTING MACHINES**

Name of the Observer

Code No.

A. ELECTION DETAILS

| | | |
|----|----------------------------------|--|
| 1. | Name of State | |
| 2. | Sl. No. and Name of Constituency | |
| 3. | Nature of Election (General/Bye) | |
| 4. | Date of Poll | |

B. CONSTITUENCY DETAILS

| | | |
|----|----------------------------------|--|
| 5. | Total Number of Polling Stations | |
| 6. | Total Electorate | |
| 7. | No of Contesting Candidates | |

C. MACHINES AND BATTERIES

| | | |
|-----|---------------------------------|--|
| 8. | Total Number of EVMs put to use | |
| 9. | Number of EVMs kept as reserve | |
| 10. | Number of batteries procured | |

D. CHECKING OF EVMs.

| | | |
|---------|--|-----------------|
| 11 . | Whether all EVMs, including reserve, have been got checked | |
| 12 . | Who checked the EVMs(Engineers of BEL/ECIL | |
| 13 . | Date of checking | |
| 14 . | Serial number of checked EVMs failed during the polling | Control units |
| | | Balloting units |
| 15 . | Serial number of checked EVMs failed during counting | Control units |
| | | Balloting units |

E. PREPARATION OF EVMs BY THE RETURNING OFFICER

| | | |
|-----|---|--|
| 16. | Date on which the EVMs were prepared | |
| 17. | When was the notice intimating the date, time and place of preparation of EVMs was given to the candidates? | |
| 18. | How many candidates or their representatives were present? | |
| 19. | Details of complaints received | |
| 20. | Whether the register of allocation of EVMs to the polling stations was maintained | |

| | | |
|-----|--|--|
| 21. | How many days before the poll, the EVMs and other poll material distributed to Polling Stations? | |
|-----|--|--|

F. PUBLICITY ARRANGEMENTS

| | | |
|-----|---|--|
| 22. | How many demonstration centres have been opened for educating the public in the use of EVMs? | |
| 23. | Supply two copies of the each of the posters/ pamphlets and any other material used to educate the voters, candidates and political parties | |

G. POLL DAY

| | | |
|-----|---|--|
| 24. | How many officials were deployed as Sector Officer to go around the Polling Stations on the date of poll? | |
| 25. | Did the Sector Officers carry reserve EVMs to replace any defective EVM during the day of poll? If so, how many reserves EVMs were allotted to Sector Officers? | |
| 26. | How many Control Units and Balloting Units were replaced during the mechanical failure or mishandling by polling officials? | |
| 27. | In how many polling stations repoll was held? | |
| 28. | Details of place where the EVMs were stored before the poll | |
| 29. | Details of Strong Room where the EVMs were shifted after the poll | |
| 30. | Details of Counting Hall | |
| 31. | Details of the Strong Room where the EVMs were shifted after the counting was over | |

| | | |
|-----|--|--|
| 32. | Whether CRPF guards guarded the storage rooms of EVMs. If not, what security arrangements were made for safeguarding the machines? | |
|-----|--|--|

I. COMPLAINTS & SUGGESTIONS

| | | |
|-----|---|--|
| 33. | Details of complaints regarding use of EVMs received by you | |
| 34. | Suggestions, if any | |

Enclosures:

Place

Signature of the Observer

Date

Annexure 'F'

FORM 2B
(See rule 4) NOMINATION PAPER

Election to the Legislative Assembly of.....State.

STRIKE OFF PART I OR PART II BELOW WHICHEVER IS NOT APPLICABLE

PART I

(To be used by candidate set up by recognised Political Party)

I nominate as a candidate for Election to the Legislative Assembly from theAssembly Constituency. Candidate's name.....[Father's/mother's/husband's name] His postal address..... His name is entered at S.No.....in Part No. of the electoral roll for Assembly Constituency. My name is and it is entered at S.No..... in Part No..... of the electoral roll for the Assembly constituency. Date

(Signature of Proposer)

PART II

(To be used by candidate NOT set up by recognized Political Party)

We hereby nominate as candidate for election to the Legislative Assembly from the Assembly Constituency.

Candidate's name Father's / mother's / husband's name.....His postal address.....His name is entered at Sl. No.....in Part No.....of the electoral roll for Assembly Constituency.

We declare that we are electors of this Assembly Constituency and our names are entered in the electoral roll for this Assembly Constituency as indicated below and we append our signatures below in token of subscribing to this nomination: _

Particulars of the Proposers and their signatures.

| Electoral Roll No. of Proposer | | | | | |
|-----------------------------------|---|-------------------------|-----------|-----------|------|
| Sl. No. | Part No. of Electoral Roll Constituency | Sl. No. in that part | Full Name | Signature | Date |
| 1. | 2. | 3. | 4. | 5. | 6. |

-
- 1.
 - 2.
 - 3.
 - 4.
 - 5.
 - 6.
 - 7.
 - 8.
 - 9.
 - 10.
-

N.B.: - *There should be ten electors of constituency as proposers.*

PART III

I, the candidate mentioned in Part I/Part II (Strike out which is not applicable)
assent to this nomination and hereby declare_

(a) that I have completed.....years of age;

[STRIKE OUT b(i) OR b(ii) BELOW WHICHEVER IS NOT APPLICABLE]

(b) (i) that I am set up at this election by the..... party,
which is recognised National Party/State Party in this State and that the
symbol reserved for the above party be allotted to me.

(ii) that I am set up at this election by the.....Party,
which is a registered-unrecognised Political Party/that I am contesting
this election as an independent candidate (Strike out which is not
applicable) and that the symbols I have chosen, in order of preference,
are:-

(i).(ii).....(iii).....

(c) that my name and my father's/mother's/husband's name have been correctly
spelt out above in..... (name of the language)

(d) that to the best of my knowledge and belief, I am qualified and not also
disqualified for being chosen to fill the seat in the Legislative Assembly of this
State.

*I further declare that I am a member of the..... **Caste/tribe which
is a scheduled ***caste/tribe of the State of.....in relation to
.....(area) in that State.

I also declare that I have not been, and shall not be, ****nominated as a candidate at the present general election /the bye-elections being held simultaneously, to the Legislative Assembly of (State) from more than two Assembly Constituencies.

Date.....

(Signature of the Candidate)

** Score out this paragraph, if not applicable.*

*** Score out the words not applicable.*

N.B.- A “recognised Political Party” means a Political Party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State concerned.

PART III A

(To be filled by the Candidate)

| | |
|--|--------|
| Whether the Candidate – (i) has been convicted – (a) of any offence(s) under sub-section (1); or (b) for contravention of any law specified in sub-section (2), of Section 8 of the Representation of the People Act, 1951 (43 of 1951); or (ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more. | YES/NO |
|--|--------|

If the answer is “Yes”, the candidate shall furnish the following information:

- (i) Case/First information report No./Nos.....
- (ii) Police station (s) District(s) State(s)
- (iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted
- (iv) Date(s) of conviction(s).....
- (v) Court(s) which convicted the candidate
- (vi) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)].....
- (vii) Date(s) of release from prison.....
- (viii) Was/were any appeal(s)/revision(s) filed against above

conviction(s)...Yes/No

(ix) Date and particulars of appeal(s)/application(s) for revision filed

(x) Name of the court(s) before which the appeal(s) /application (s) for revision filed

(xi) Whether the said appeal(s) / application (s) for revision has/have been disposed of or is/are pending

(xii) If the said appeal(s)/application(s) for revision has/have been disposed of -

(a) Date(s) of disposal

(b) Nature of order(s) passed

Place :

Date :

(Signature of the Candidate)

PART IV

(To be filled by the Returning Officer)

Serial No. of nomination paper.....

. This nomination was delivered to me at my office

at.....(hour)on.....(date) by the *Candidate/Proposer.

Date.....

Returning Officer

*Score out the word not applicable

PART V

Decision of Returning Officer Accepting or Rejecting the Nomination Paper

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951 and decide as follows:

Date...

Returning Officer

(Perforation).....

PART VI

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the Nomination Paper)

Serial No. of Nomination Paper.....

The Nomination Paper of..... a candidate for election from theAssembly constituency was delivered to me at my office at.....(hour) on..... (date) by the *Candidate/Proposer.

All nomination papers will be taken up for scrutiny at..... (hour) on.....(date)at.....
(Place.)

Date.....

Returning

Officer

**Score out the word not applicable.*

FORM 26

(See Rule 4A)

Affidavit to be furnished by the candidate before the Returning Officer for election to ———
——— (name of the House) from ————Constituency (name of the Constituency)

I, ————, son/daughter/wife of ————
— aged about ————years, resident of ————
———Candidate at the above election, do hereby solemnly affirm/state on oath as under:-

1. I am/am not accused of any offence(s) punishable with imprisonment for two years or more in a pending case(s) in which a charge(s) has/have been framed by the court(s) of competent jurisdiction.

If the deponent is accused of any such offence(s) he shall furnish the following information

(i) Case/First Information Report No./Nos.

- (ii) Police Station(s)District (s)State(s).....
 (iii) Section(s) of the concerned Act(s) and short description of the offence(s) for which the candidate has been charged
 (iv) Court(s) which framed the charge(s)
 (v) Date(s) on which the charge(s) was/were framed
 (vi) Whether all or any of the proceeding(s) have been stayed by any court(s) of competent jurisdiction

2. I have been/have not been convicted of an offence(s) [other than any offence(s) referred to in Sub-section (1) or Sub-section (2), or covered in Sub-section (3), of Section 8 of the Representation of the People Act, 1951 (43 of 1951)] and sentenced to imprisonment for one year or more.

If the deponent is convicted and punished as aforesaid, he shall furnish the following information:

- (i) Case/First information report No./Nos.
 (ii) Court(s) which punished
 (iii) Police station(s)District (s)State(s).....
 (iv) Section(s) of the concerned Act(s) and short description of the offence(s) for which the candidate has ever been charged
 (v) Date(s) on which the sentence (s) was/were pronounced
 (vi) Whether the sentence(s) has/have been stayed by any court(s) of competent jurisdiction

Place :

Signature of the Deponent

Date :

VERIFICATION

I, the above-named Deponent, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therein.

Verified at _____this _____ day of _____200—

Signature of the Deponent

Note: The columns in this Form which are not applicable to the Deponent may be struck off.

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi – 110 001

No. 3/ER/2003/JS-II

Dated : 27th March, 2003

O R D E R

1. Whereas, the superintendence, direction and control, *inter alia*, of all elections to Parliament and to the Legislature of every State are vested in the Election Commission by Article 324 (1) of the Constitution of India;

2. And whereas, the Hon'ble Supreme Court of India had, by its order dated 2nd May, 2002, in Civil Appeal No.7178 of 2001 – Union of India Vs Association for Democratic Reforms and another, held as follows: -

“(1) The jurisdiction of the Election Commission is wide enough to include all powers necessary for smooth conduct of elections and the word ‘elections’ is used in a wide sense to include the entire process of election which consists of several stages and embraces many steps.

(2) The limitation on plenary character of power is when the Parliament or state legislature has made a valid law relating to or in connection with elections, the Commission is required to act in conformity with the said provisions. In case where law is silent, art 324 is a reservoir of power to act for the avowed purpose of having free and fair election.

Constitution has taken care of leaving scope for exercise of residuary power by the Commission in its own right as a creature of the Constitution in the infinite variety of situations that may emerge from time to time in a large democracy, as every contingency could not be foreseen or anticipated by the enacted laws or the rules. By issuing necessary directions Commission can fill the vacuum till there is legislation on the subject. In *Kanhiya Lal Omar's* case (AIR 1986 SC 111), the court construed the expressions ‘superintendence, direction and control’ in art 324(1) and held that a direction may

mean an order issued to a particular individual or a precept which may have to follow and it may be a specific or a general order and such phrase should be construed liberally empowering the Election Commission to issue such orders.

(3) The word ‘elections’ includes the entire process of election which consists of several stages and it embraces many steps, some of which have an important bearing on the process of choosing a candidate. Fair election contemplates disclosure by the candidate of his past including the assets held by him so as to give a proper choice to the candidate (sic) (elector) according to his thinking and opinion. As stated earlier, in *Common Cause* case [(1996) 2 SCC 752], the court dealt with a contention that elections in the country are fought with the help of money power which is gathered from black sources and once elected to power, it becomes easy to collect tons of black money, which is used for retaining power and for reelection. If on affidavit a candidate is required

to disclose the assets held by him at the time of election, voter can decide whether he could be re-elected even in case where he has collected tons of money.

(4) To maintain the purity of elections and in particular to bring transparency in the process of election, the Commission can ask the candidates about the expenditure incurred by the Political Parties and this transparency in the process of election would include transparency of a candidate who seeks election or re-election. In a democracy, the electoral process has a strategic role. The little man of this country would have basic elementary right to know full particulars of a candidate who is to represent him in Parliament where laws to bind his liberty and property may be enacted.

(5) The right to get information in democracy is recognised all throughout and it is natural right flowing from the concept of democracy. At this stage, we would refer to art 19(1) and (2) of the International Covenant of Civil and Political Rights which is as under:-

(1) Everyone shall have the right to hold opinions without interference.

(2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

(6) Cumulative reading of plethora of decisions of this court as referred to, it is clear that if the field meant for legislature and executive is left unoccupied detrimental to the public interest, this court would have ample jurisdiction under art 32 read with arts 141 and 142 of the Constitution to issue necessary directions to the executive to subserve public interest.

(7) Under our Constitution, Art 19(1)(a) provides for freedom of speech and expression. Voters' speech or expression in case of election would include casting of votes that is to say, voter speaks out or expresses by casting vote. For this purpose, information about the candidate to be selected is must. Voter's (little man-citizen's) right to know antecedents including criminal past of his candidate contesting election for MP or MLA is much more fundamental and basic for survival of democracy. The little man may think over before making his choice of electing law breakers as law makers.”;

(3) And whereas, the Hon'ble Supreme Court, by its aforesaid order dated 2nd May, 2002, had directed as follows: -

.1

“The Election Commission is directed to call for information on affidavit by issuing necessary order in exercise of its power under art 324 of the Constitution of India from each candidate seeking election to Parliament or a state legislature as a necessary part of his nomination paper, furnishing therein, information on the following aspects in relation to his/her candidature:-

- (1) Whether the candidate is convicted/acquitted/ discharged of any criminal offence in the past-if any, whether he is punished with imprisonment or fine?
- (2) Prior to six months of filing of nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charge is framed or cognizance is taken by the court of law. If so, the details thereof.
- (3) The assets (immovable, movable, bank balances etc) of a candidate and of his/her spouse and that of dependants.

- (4) Liabilities, if any, particularly whether there are any over dues of any public financial institution or government dues.
- (5) The educational qualifications of the candidate

4. And whereas, the Hon'ble Supreme Court, in its aforesaid order dated 2nd May, 2002, further observed that 'the Election Commission has from time to time issued instructions in order to meet with the situation where the field is unoccupied by the legislation' and had further directed that 'the norms and modalities to carry out and give effect to the aforesaid directions should be drawn up properly by the Election Commission as early as possible and in any case within two months';

5. And whereas, the Election Commission had, in pursuance of the above referred Judgement and Order dated 2nd May, 2002 of the Hon'ble Supreme Court and in exercise of the powers, conferred on it by Article 324 of the Constitution, directed by an Order dated 28th June, 2002, *inter alia*, in para 14 of the said Order as follows:-

- “(1) Every candidate at the time of filing his nomination paper for any election to the Council of States, House of the People, Legislative Assembly of a State or the Legislative Council of a State having such a council, shall furnish full and complete information in regard to all the five matters, specified by the Hon'ble Supreme Court and quoted in para 5 above (reproduced in para 3 herein), in an affidavit, the format whereof is annexed hereto as **Annexure-1** to this order.
- (2) The said affidavit by each candidate shall be duly sworn before a Magistrate of the First Class or a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned.
- (3) Non-furnishing of the affidavit by any candidate shall be considered to be violation of the order of the Hon'ble Supreme Court and the nomination of the candidate concerned shall be liable to rejection by the Returning Officer at the time of scrutiny of nominations for such non-furnishing of the affidavit.
- (4) Furnishing of any wrong or incomplete information or suppression of any material information by any candidate in or from the said affidavit may also result in the rejection of his nomination paper where such wrong or incomplete information or suppression of material information is considered by the Returning Officer to be a defect of substantial character, apart from inviting penal consequences under the Indian Penal Code for furnishing wrong information to a public servant or suppression of material facts before him:

Provided that only such information shall be considered to be wrong or incomplete or amounting to suppression of material information as is capable of easy verification by the Returning Officer by reference to documentary proof adduced before him in the summary inquiry conducted by him at the time of scrutiny of nominations under Section 36 (2) of the Representation of the People Act 1951, and only the information so verified shall be taken into account by him for further consideration of the question whether the same is a defect of substantial character.

- (5) The information so furnished by each candidate in the aforesaid affidavit shall be disseminated by the respective Returning Officers by displaying a copy of the affidavit on the notice board of his office and also by making the copies thereof available freely and liberally to all other candidates and the representatives of the print and electronic media.
- (6) If any rival candidate furnishes information to the contrary, by means of a duly sworn affidavit, then such affidavit of the rival candidate shall also be disseminated along with the affidavit of the candidate concerned in the manner directed above.”;

6. And whereas, the President of India promulgated the Representation of People (Amendment) Ordinance, 2002 (No.4 of 2002) on the 24th August, 2002 further to amend the Representation of the People Act, 1951 inserting Sections 33A and 33B and 125A and amending Section 169 of the Representation of the People Act, 1951;

7. And whereas, by virtue of Section 33B of the said Ordinance, the Order of the Election Commission dated the 28th June, 2002, was rendered ineffective and the said Section 33B read as under:-

“Section 33B.- Notwithstanding anything contained in any judgement, decree or order of any court or any direction, order or any other instruction issued by the Election Commission, no candidate shall be liable to disclose or furnish any such information, in respect of his election, which is not required to be disclosed or furnished under this Act or the rules made thereunder.”;

8. And whereas, the Government of India by notification dated 3rd September, 2002 amended the Conduct of the Elections Rules, 1961 to give effect to the said Ordinance;

9. And whereas, the Association for Democratic Reforms, People’s Union for Civil Liberties, and Lok Satta, filed three separate writ petitions before the Hon’ble Supreme Court of India challenging the constitutional validity of the Presidential Ordinance dated 24th August, 2002;

10. And whereas, by Notification dated the 28th December, 2002, the Representation of the People Act, 1951 was amended by the Representation of the People (Third Amendment) Act, 2002 which substituted the aforesaid Ordinance dated 24th August, 2002;

11. And whereas, the said petitioners filed applications to treat the said writ petitions as challenging the constitutional validity of the Representation of the People (Third Amendment) Act, 2002;

12. And whereas, the Hon’ble Supreme Court in its order/judgement, dated the 13th March, 2003 declared Section 33B of the Amended Act as illegal, null and void;

13. And whereas, the following directions were issued in the Judgement of Hon’ble Mr. Justice P.V. Reddi, which was concurred by Mr. Justice D.M. Dharmadhikari:-

“6. The right to information provided for by the Parliament under Section 33A in regard to the pending criminal cases and past involvement in such cases is

reasonably adequate to safeguard the right to information vested in the voter/citizen. However, there is no good reason for excluding the pending cases in which cognizance has been taken by Court from the ambit of disclosure.

7. *****
8. *****

9. The Election Commission has to issue revised instructions to ensure implementation of Section 33A subject to what is laid down in this judgement regarding the cases in which cognizance has been taken. The Election Commission's orders related to disclosure of assets and liabilities will still hold good and continue to be operative. However, direction No.4 of para 14 insofar as verification of assets and liabilities by means of summary enquiry and rejection of nomination paper on the ground of furnishing wrong information or suppressing material information should not be enforced.”;

14. And whereas, the Judgement of Hon'ble Mr. Justice M.B. Shah, also held that Section 33B was illegal, null and void and further that the Election Commission would be required to revise its instructions in the light of the directions therein as under:-

“It is true that the aforesaid directions issued by the Election Commission is not under challenge but at the same time *Prima facie* it appears that the Election Commission is required to revise its instructions in the light of directions issued in *Association for Democratic Reforms case (supra)* and as provided under the Representation of the People Act and its 3rd Amendment

15. And whereas, by virtue of the Judgement dated the 13th March, 2003 of the Supreme Court declaring Section 33B of the Representation of the People Act, 1951 to be illegal, null and void, the earlier instructions of the Election Commission dated 28th June, 2002 would continue to be operative subject to the aforementioned directions of the Supreme Court, and are therefore required to be revised and reissued;

16. Now, therefore, the Election Commission, in pursuance of the above referred order dated 13th March, 2003, of the Hon'ble Supreme Court and in exercise of the powers, conferred on it by Article 324 of the Constitution, of superintendence, direction and control, *inter alia*, of conduct of elections to Parliament and State Legislatures, hereby issues, in supersession of its earlier order dated 28th June, 2002, its revised directions as follows:

- (1) Every candidate at the time of filing his nomination paper for any election to the Council of States, House of the People, Legislative Assembly of a State or the Legislative Council of a State having such a council, shall furnish full and complete information in regard to the matters specified by the Hon'ble Supreme Court and quoted in paras 13 and 14 above, in an affidavit, the format whereof is annexed hereto as **Annexure-1** to this order.
- (2) The said affidavit by each candidate shall be duly sworn before a Magistrate of the First Class or a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned.

- (3) Non-furnishing of the affidavit by any candidate shall be considered to be violation of the order of the Hon'ble Supreme Court and the nomination of the candidate concerned shall be liable to rejection by the Returning Officer at the time of scrutiny of nominations for such non-furnishing of the affidavit.
- (4) The information so furnished by each candidate in the aforesaid affidavit shall be disseminated by the respective Returning Officers by displaying a copy of the affidavit on the notice board of his office and also by making the copies thereof available freely and liberally to all other candidates and the representatives of the print and electronic media.
- (5) If any rival candidate furnishes information to the contrary, by means of a duly sworn affidavit, then such affidavit of the rival candidate shall also be disseminated along with the affidavit of the candidate concerned in the manner directed above.

17. For the removal of doubt, it is hereby clarified that the earlier direction contained in para 14 (4) of the earlier order dated 28th June, 2002, in so far as verification of assets and liabilities by means of summary enquiry and rejection of nomination paper on the ground of furnishing wrong information or suppressing material information is not enforceable in pursuance of the order dated 13th March, 2003 of the Apex Court. It is further clarified that apart from the affidavit in **Annexure-1** hereto referred to in para 16 (1) above, the candidate shall have to comply with all the other requirements as spelt out in the Representation of the People Act, 1951, as amended by the Representation of the People (Third Amendment) Act, 2002, and the Conduct of Elections Rules, 1961, as amended by the Conduct of Elections (Amendment) Rules, 2002.

18. In so far as elections to the Legislative Assembly and Legislative Council of the State of Jammu and Kashmir are concerned, the directions of the Election Commission contained in the preceding para 16 shall be deemed to have been issued under the provisions of section 138 of the Constitution of Jammu and Kashmir which are akin to Article 324 (1) of the Constitution of India and vest the superintendence, direction and control of the conduct of all elections to either House of the Legislature of that State in the Election Commission.

19. All Returning Officers shall ensure that the copies of affidavit prescribed herein by the Commission shall be delivered to the candidates along with the forms of nomination papers as part of the nomination paper.

By order,

(A.K.MAJUMDAR)
SECRETARY
ELECTION COMMISSION OF INDIA

Annexure 'H'

**Affidavit to be furnished by candidate along with Nomination Paper
Before the Returning Officer**

**for election to _____ (name of the House)
from _____ constituency
(name of the constituency)**

I, _____, son/daughter/wife of _____
aged _____ years, resident of _____,
candidate at the above election, do hereby solemnly affirm and state on oath as under:-

(Strike out whichever not applicable)

(1) The following case(s) is/are pending against me in which cognizance has been taken by the court:-

(i) Section of the Act and description of the offence for which cognizance taken :

(ii) The Court which has taken cognizance :

(iii) Case No. :

(iv) Date of order of the Court taking cognizance :

(v) Details of appeal(s) / application(s) for revision, etc., if any, filed against above order taking cognizance :

(3) That I give hereinbelow the details of the assets (immovable, movable, bank balance, etc.) of myself, my spouse and dependents*:

A. Details of Movable Assets

(Assets in joint name indicating the extent of joint ownership will also have to be given)

| S. No. | Description | Self | Spouse(s) Name(s): | Dependent-1 Name: | Dependent-2 Name: | Dependent-3 etc. Name: |
|--------|---|------|--------------------|-------------------|-------------------|------------------------|
| (i) | Cash | | | | | |
| (ii) | Deposits in Banks, Financial Institutions and Non-Banking Financial Companies | | | | | |
| (iii) | Bonds, Debentures and Shares in companies | | | | | |
| (iv) | Other Financial instruments NSS, Postal Savings, LIC Policies, etc. | | | | | |
| (v) | Motor Vehicles (give details of make, etc.) | | | | | |
| (vi) | Jewellery (give details of weight and value) | | | | | |
| (vii) | Other assets, such as values of claims / interests | | | | | |

Note : Value of Bonds / Shares / Debentures as per the latest market value in Stock Exchange in respect of listed companies and as per books in the case of non listed companies should be given.

**Dependent here means a person substantially dependent on the income of the candidate.*

. Details of Immovable Assets

[Note : Properties in joint ownership indicating the extent of joint ownership will also have to be indicated]

| S. No | Description | Self | Spouse(s) Name(s): | Dependent-1 Name: | Dependent-2 Name: | Dependent-3 etc. Name: |
|-------|-------------|------|--------------------|-------------------|-------------------|------------------------|
| . | | | | | | |

| | | | | | | |
|-------|--|--|--|--|--|--|
| (i) | Agricultural Land - - Location(s) - Survey number(s) - Extent (Total measurement) --Current market value | | | | | |
| (ii) | Non-Agricultural Land - Location(s) - Survey number(s) - Extent (Total measurement) - Current market value Buildings (commercial and residential) - Location(s) - Survey / door number(s) - Extent (Total measurement) - Current market value Houses / Apartments, etc. - Location(s) - Survey / door number(s) - Extent (Total measurement) - Current market value | | | | | |
| (iii) | Others (such as interest in property) | | | | | |
| (iv) | | | | | | |
| (v) | | | | | | |

(3) I give herein below the details of my liabilities / overdues to public financial institutions and government dues :-

[Note : Please give separate details for each item]

| S.No. | Description | Name and address of Bank / Financial Institution(s) / Department(s) | Amount outstanding as on |
|-------|-------------|---|--------------------------------|
|-------|-------------|---|--------------------------------|

| | | | |
|--------|--|--|--|
| (a)(i) | Loans from Banks | | |
| (ii) | Loans from financial institutions | | |
| (iii) | Government dues | | |
| | a) dues to departments dealing with government accommodation | | |
| | b) dues to departments dealing with supply of water | | |
| | c) dues to departments dealing with supply of electricity | | |
| | d) dues to departments dealing with telephones | | |
| | e) dues to departments dealing with government transport (including aircrafts and helicopters) | | |
| | f) other dues, if any | | |

| S.No. | Description | Name and address of Bank / Financial Institution(s) / Department(s) | Amount outstanding as on |
|--------|--|---|--------------------------------|
| (b)(i) | Income Tax including surcharge [Also indicate the assessment year up to which Income Tax Return filed. Give also Permanent Account Number (PAN)] | | |
| (ii) | Wealth Tax (Also indicate the assessment year up to which Wealth Tax return filed) | | |
| (iii) | Sales Tax (only in case of proprietary business) | | |

| | | | |
|------|--------------|--|--|
| (iv) | Property Tax | | |
|------|--------------|--|--|

(4) My educational qualifications are as under :-(GIVE DETAILS OF SCHOOL AND UNIVERSITY

EDUCATION) (Name of School / University and the year in which the course was completed should also be given.)

DEPONENT

VERIFICATION

I, the deponent abovenamed, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief; no part of it is false and nothing material has been concealed therefrom.

Verified at _____ this the _____ day of _____, 200__.

DEPONENT

Annexure –‘J’

ABSTRACT STATEMENT OF ELECTION EXPENSES

PART-I

| | | |
|--|---|-------------------------------|
| Name of the Candidate | : | |
| Number and Name of the Constituency | : | |
| Name of State / Union Territory | : | |
| Nature of Election | : | Bye-Election/General Election |
| Date of Declaration of Result | : | |
| Name and Address of the Election Agent | : | |

PART-II

- I. Were you a candidate set up by a Political Party ? : Yes/No
- II. If yes, name of the Party. : _____
- III. Is the Party a recognised Political Party ? : Yes/No
- IV. If recognised Political Party, whether National / State Party : National/State Party
- V. Has your Party incurred/authorised expenses in your election ? : Yes/No
- VI. Has any other association/ body of persons / individual incurred/authorised expenses in your election ?
: Yes/No
- VII. If yes, give its/his/their name(s) and complete address : (1) _____
(2) _____
(3) _____

PART III

ABSTRACT STATEMENT OF EXPENDITURE ON ELECTION BY THE CANDIDATE / HIS ELECTION AGENT

| Items of expenditure | Expenditure incurred / authorised by | | | Total expenses incurred/ authorised (Total of Columns 2, 3 & 4) |
|----------------------|--------------------------------------|----------------------------------|--|---|
| | Candidate / his election agent | Political Party which set him up | Any other association / body of persons / individual | |
| 1. | 2. | 3. | 4. | 5. |
| | Rs. | Rs. | Rs. | Rs. |

- i. Public meetings, processions, etc.

- ii. Campaign materials, like, handbills, posters, video and audio cassettes, loudspeakers etc.
- iii. Campaign through electronic / print media (including cable network)
- iv. Vehicles used and POL expenditure on such vehicles.
- v. Erection of gates, arches, cutouts, banners, etc.
- vi. Visits of 'leaders' to the constituency {other than the expenditure on the travel of 'Leaders' as defined in Explanation 2 under Section 77 (1) for propagating programme of the party}
- vii. Visit of other party functionaries
- viii. Other misc. expenses

Grand Total _____

Lump-sum grant received, if any, from –

- (i) Political Party
- (ii) Any other association / body (with its name and address)
- (iii) Any individual (with name and address)

PART IV

DETAILS OF EXPENDITURE ON VEHICLES USED

Details of all expenditure on all vehicles used in connection with the election including the vehicles supplied to candidate by his Political Party or any other association/ organisation/body or by any other individual are required to be shown [the only exception is the expense incurred in connection with travel of 'leaders' of political party for propagating programme of political party covered by Explanations 1 and 2 under Section 77 (1)].

| Regn. No. of vehicle | Type of vehicle | No. of days for which used | Expenditure incurred on POL, maintenance and drivers salary etc./hiring charges |
|----------------------|-----------------|----------------------------|---|
|----------------------|-----------------|----------------------------|---|

| | | | | | |
|----|----|----|---|---|--|
| | | | Amount spent by the candidate/ election agent | Amount spent by the political party | Amount spent by any other association/ body of persons/ individual |
| 1. | 2. | 3. | 4. | 5. | 6. |

Grand Total (Cols. 4 + 5 + 6) Rs. _____

PART V

DETAILS OF EXPENDITURE ON PUBLIC MEETINGS

Public meetings held by the candidate/his election agent/his political party/any other association/organisation/ body any other individual (other than the candidate/his election agent)

[illegible]

Grand Total (Cols. 8 + 9 + 10) Rs. _____

PART –VI

DETAILS OF EXPENDITURE ON TRAVEL OF LEADER(S) OF THE PARTY NOMINATED IN TERMS OF 'EXPLANATION (2)' UNDER SECTION 77(1) OF THE REPRESENTATION OF THE PEOPLE ACT, 1951

| S.No. | | ARRIVAL DETAILS | | | | DETAILS OF STAY | | | DEPARTURE DETAILS | | | | Whether expenditure on item (5), (7) and (10) incurred by candidate, political party or others specify | Expenditure if any on item (5), (7) and (10) by candidate. |
|--------------------|---|-----------------|---------------------------------|----------------|-------------------------------------|----------------------------------|-------------------------------|-------------------------------------|-------------------|-------------------------------------|----|----|--|--|
| | | Name of Leader | Date of arrival in constituency | Mode of travel | Expenditure on fare paid (if known) | Duration of halt in constituency | Expenditure on local journeys | Date of departure from constituency | Mode of travel | Expenditure on fare paid (if known) | | | | |
| 1 | 2 | | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | | |
| 1. | | | | | | | | | | | | | | |
| 2. | | | | | | | | | | | | | | |
| 3. | | | | | | | | | | | | | | |
| etc.. | | | | | | | | | | | | | | |
| Total Expenditure: | | | | | | | | | | | | | | |

PLACE:

SIGNATURE OF CONTESTING CANDIDATE

DATE:

NAME OF CONTESTING CANDIDATE

Annexure - K

No. & Name of the Assembly Constituency _____ Round No. _____ Date : _____

| Table No. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | Total |
|-------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| P.S. No. | | | | | | | | | | | | | | | |
| S. No. | | | | | | | | | | | | | | | |
| Name of Candidate | | | | | | | | | | | | | | | |
| 1. | | | | | | | | | | | | | | | |
| 2. | | | | | | | | | | | | | | | |
| 3. | | | | | | | | | | | | | | | |
| 4. | | | | | | | | | | | | | | | |
| 5. | | | | | | | | | | | | | | | |
| 6. | | | | | | | | | | | | | | | |
| 7. | | | | | | | | | | | | | | | |
| 8. | | | | | | | | | | | | | | | |
| Rejected Votes | | | | | | | | | | | | | | | |
| Total Votes | | | | | | | | | | | | | | | |
| | Initial of RO | Initial of RO | Initial of RO | Initial of RO | Initial of RO | Initial of RO | Initial of RO | Initial of RO | Initial of RO | Initial of RO | Initial of RO | Initial of RO | Initial of RO | Initial of RO | Initial of RO |
| | Initial of Obs. | Initial of Obs. | Initial of Obs. | Initial of Obs. | Initial of Obs. | Initial of Obs. | Initial of Obs. | Initial of Obs. | Initial of Obs. | Initial of Obs. | Initial of Obs. | Initial of Obs. | Initial of Obs. | Initial of Obs. | Initial of Obs. |

Important : 1. All over writings/cuttings shall be certified by the Observer.

2. Number of polling stations whose votes are being counted should be indicated below the table number.

3. A copy of this is to be kept by Observer in separate folder with him for cross checking later.

ANNEXURE - L

Guidelines for Micro-Observers

1. Observers have a very crucial role to play in the conduct of an independent, free and fair election. To strengthen the system of observation, the Commission has consciously decided to deploy micro-observers where necessary. These micro-observers would directly work under control and supervision of the general observer.
2. For deployment as micro-observer, the DEO will obtain the list of Gazetted Officers/officials of Government of India from different offices in the district. Such Gazetted officers/officials will be eligible to be deployed as micro observer. In case Gazetted officers are not sufficient in number, Group 'C' employees and above can also be utilized for this purpose.
3. The DEO will prepare a list of polling stations under the supervision of General observer where these micro-observers would be deployed. Such polling stations would be short listed on the basis of various factors which contribute to the vulnerability of the voters. Such factors, for example, domination of one social group over other, inaccessibility of the area, EPIC non availability, previous history of violence, etc. would have been taken into consideration while doing the vulnerability mapping in the district as per the extant instructions of the Commission on this issue. The list of such polling stations where micro-observers are to be deployed will be finally approved by the General observer and kept confidential in a sealed envelop till the last moment of deployment.
4. In multi-polling station buildings each location will have one micro-observer instead of one micro-observer per polling station. The micro-observer can oscillate between and visit the polling stations within the same campus at frequent intervals.
5. There shall be a nodal officer identified by the DEO for micro-observers to handle logistics and deployment related tasks of micro-observers in each district. General Observers will be in close touch with them for their requirements of micro-observers relating to their constituencies.
6. Each micro-observer shall be given a photo-pass and identity card by the DEO to ensure his access to the polling stations.
7. Observers will arrange and train their micro-observers. The officer selected for the job of micro-observer may not be aware of different aspects of election process. Therefore, a basic training of election processes on the day of the poll shall have to be given to them. This should enable them to understand and observe the activities relating to election on the day of the poll. An illustrative training material for the micro-observer in Micro Soft Power Point is attached with this letter. Since the micro-observer shall be reporting to the observer alone, it will be the responsibility of the observers to ensure that they are trained properly on the relevant and crucial issues. The DEOs will organize the training of these micro-observers.

8. The required number of officers for deployment as micro-observer would be picked up randomly from the list of all eligible officers. Further the assigning of polling stations also will be done in random manner a day prior to the day of departure in presence of the general observer and duly approved by him. However, the exact polling station would be given to them on the day of departure.
9. The DEO should ensure that the micro-observers are separately dropped to their destinations. Micro-observer should be provided with an Identity card, entry pass to his/her polling stations, and such other requirements as may be necessary for discharge of duties as per the direction of the Commission.
10. On the day of poll the micro-observer should reach the polling station at least one hour before the commencement of the poll, i.e., at 7 O'clock in the morning. If for certain reason it is not possible to reach in the morning, he should reach in the evening of the previous day.
11. Having reached the polling station he should assess the preparedness for the poll. During the poll day he should regularly note down the important points on the pre printed Performa (a Performa for this is appended). It is made absolutely clear that in no case the micro observer will act as presiding officer or the polling officer. His task is to observe that election process is being carried out in a free and fair manner and there is no vitiation of any kind.
12. In the process of observation on the day of the poll, the micro-observer should specially observe: -
 - a. Mock Poll Procedures
 - b. Presence of Polling Agents and observance of ECI instructions with regard to them
 - c. The observance of entry pass system and access to Polling Station
 - d. proper identification of electors in accordance with ECI guidelines
 - e. Identification and recording procedures for the Absentee, Shifted and Duplicate voter's list (ASD list)
 - f. Application of indelible ink,
 - g. Noting down particulars of electors in register 17-A,
 - h. Secrecy of voting,
 - i. Conduct of polling agents, their complaints, if any, etc.
2. During the poll, if the micro-observer feels that the poll is being vitiated for any reason, he will immediately bring it to the notice of General observer through whatever means of communication is available, for example, phone or wireless or any other means.
3. After the poll process is over, the micro-observer will report to the Observer at the collection center and hand over his envelop containing the report for the day personally to the Observer and brief him/her on any thing of importance that had happened during the day. Micro Observer's report, inter-alia, should contain information at a glance, in the following format:-

FORMAT FOR THE FEED BACK REPORT BY MICRO OBSERVERS TO BE SUBMITTED TO THE CONSTITUENCY OBSERVER AFTER THE POLL

1. Name of the Micro Observer
2. Designation
3. No. & Name of the polling station allotted
4. Date & time of arrival at the polling station
5. Name of the presiding officer
6. Total No. of voters
7. Whether mock poll was conducted (Y/N)
8. Whether mock poll result was cleared (Y/N)
9. Time of mock poll
10. Whether EVM ID/Machine No. shown to agents by Presiding Officer? (Y/N)
11. No. of polling agents present
12. Whether any party (candidate) not represented by polling agent
13. Whether entry pass system for Agents followed (Y/N)
14. Time of commencement of poll
15. No. of people standing at the queue at the time of commencement of poll
16. Whether voters were identified by verifying EPIC or other valid documents before permitted to vote (Y/N)
17. Whether the polling staff were filling details in the 17A register with reference to each voter
18. The time of first visit by the sector officer
19. How many times the sector officer visited the polling station during poll hours
20. Whether CPF deployed at the polling station (Y/N)
21. If yes, whether CPF jawan was observing the proceeding in the polling station while standing at the door
22. Was there any incident of violence/argument /threat etc. took place
23. Did you notice any incident of polling staff going to voting compartment to guide the voters (Y/N)
24. Did any voter/agent complaint about voting process/polling staff?
25. Whether hourly total was compared between EVM total and 17A? (Y/N)
26. Whether flow of voters was regular or intermittent?
27. How many voters were standing at the queue at 3.00 PM/4.00 PM/5.00 PM
28. How many voters were given token by the presiding officer at 5.00 PM
29. How many voters had cast their vote at 5.00 PM

30. How many voters cast their vote after 5.00 PM
 31. What time the poll was actually closed
 32. Total No. of votes polled
 33. % of votes polled
 34. No. of voters voted using documents other than EPIC
 35. No. of absentee/shifted voters voted
 36. Whether EVM was sealed properly in the presence of agents
 37. Whether signatures of agents obtained in the Part I of 17C?
 38. Whether copy of 17C given to agents (Y/N)
 39. What time the pickup party came to the polling station for escorting the polling staff?
4. Observers will go through the report and if any further clarification is required then he should arrange for the micro-observer to be called for ascertaining those further details. These reports along with the scrutiny of the Register 17-A will be taken into consideration for taking a decision on repoll or disciplinary action against any delinquent polling staff.

Observer's Poll Day Report Format

[illegible]

Observer's Final Report

General Report

| AC No. | AC name | No. of micro-observers deployed | No. of Video Camera deployed | Total Voters | No. of votes polled in the EVM | Total No. of postal ballots polled | | %age of votes polled | No. of voters who voted using non-EPIC identity | Total No. of Absen tee Voters | No. of Absen tee voters who voted | %age of Absen tee voters who voted (to total absentee voters) | PS NO. where repolls were ordered? | Reasons for repoll | Any Additional Remarks | Period for which Election Duty Performed (From-To dates with breaks in between if any)) |
|--------|---------|---------------------------------|------------------------------|--------------|--------------------------------|------------------------------------|---|----------------------|---|-------------------------------|-----------------------------------|---|------------------------------------|--------------------|------------------------|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |

Postal Ballot Report

| AC No. | AC name | Where the Postal Ballots were printed? | Total No. of Postal Ballots printed | No. of civil officers deployed on poll duty | No. of Police personnel deployed on poll duty | No. of CS V postal Ballots issued | No. of Proxy Voting facility used for CSVs | No. of Polling Personnel issued | No. of Police personnel issued | Total No. of Postal Ballots Issued | No. of CSV postal Ballots received | No. of Polling Personnel received | No. of Police personnel received | Total No. of Postal Ballots received | Whether register of Postal Voters for each category maintained separately? |
|--------|---------|--|-------------------------------------|---|---|-----------------------------------|--|---------------------------------|--------------------------------|------------------------------------|------------------------------------|-----------------------------------|----------------------------------|--------------------------------------|--|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |

Annexure "O"

Format for Presiding Officer's Additional Report to be submitted to the Constituency Observer/R.O

[illegible]

Annexure "P"

Format for Sector Officer's Report to be submitted to the Constituency Observer/R.O after the poll is over

Name of Sector Officer

No. & Name of AC

Route No.

No. of Candidates

| PS No | Central Force Deployed (Y/N) | Micro-Observed (Y/N) | Video-camera deployed (Y/N) | Total Voters | Whether Mock Polling (Y/N) | No. of Polling agents present | party candidates not represented by polling agents | Number of votes polled at 1st visit (mention time) | Number of votes polled at 2nd visit (mention time) | Number of votes polled at 3rd visit (mention time) | Whether Poll continued after 5 PM (Y/N) | No. of voters who have voted by receiving token | Total No. of Votes | Total %age of votes polled | Whether r copy of 17-Machines closed and sealed by Pr. O (Y/N) | Whether copy of 17-C given to poll agents by Pr. O (Y/N) | Whether Pr.O diary, 17C checked and tallied ? (Y/N) | Complaint(s) received on poll day | Source of each complaint, it's nature and follow up action taken | Whether repoll recommended (Y/N) | Whether machine & Statutory papers deposited in strong room (Y/N) |
|-------|------------------------------|----------------------|-----------------------------|--------------|----------------------------|-------------------------------|--|--|--|--|---|---|--------------------|----------------------------|--|--|---|-----------------------------------|--|----------------------------------|---|
| | | | | | | | | | | | | | | | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |

APPENDIX-II

APPENDIX - II

GENESYS FORMS FOR ASSEMBLY ELECTIONS

| Sl.No | Form Name | Purpose |
|--------------|------------------|--|
| 1. | A01 | Nomination Summary |
| 2. | A02 | Information Regarding Contesting Candidates Electors Data in District (Assembly wise) |
| 3. | D03 | |

GENESYS FORMS FOR PARLIAMENT ELECTIONS

| Sl.No | Form Name | Purpose |
|--------------|------------------|---|
| 1. | P01 | Nomination Summary |
| 2. | P02 | Information Regarding Contesting Candidates |
| 3. | P03 | Electors Data in PC (Assembly wise) |

GENESYS FORMS FOR SIMULTANEOUS ELECTIONS

| Sl.No | Form Name | Purpose |
|--------------|------------------|--|
| 1. | A01/P01 | Nomination Summary - As above |
| 2. | A02/P02 | Contesting Candidates - As above |
| 3. | P03 | Electors Data in PC (Assembly wise) - As above |

To be faxed to CEO immediately after finalising the list of contesting candidates

| | | |
|-------------|-------------------------------------|------|
| ECI Form ID | Election Commission of India | FUSN |
| A01 | State Assembly Elections | |

**NOMINATIONS, REJECTIONS, WITHDRAWALS &
CONTESTANTS FOR ASSEMBLY CONSTITUENCIES**

| A) Parliamentary Constituency No. & Name | | B) State / UT Code & Name | | |
|--|------------|------------------------------|--------|-------|
| C) Assembly Segment No. & Name | | | | |
| CANDIDATES | | Male | Female | Total |
| 1. | Nominated | | | |
| 2. | Rejected | | | |
| 3. | Withdrawn | | | |
| 4. | Contesting | | | |

BREAK-UP OF CONSTESTANTS

| CANDIDATES | | Male | Female | Total |
|------------|------------------|------|--------|-------|
| 5. | National Parties | | | |
| 6. | State Parties | | | |

| | | | | |
|----|---------------------------------|--|--|--|
| 7. | Registered Unrecognised Parties | | | |
| 8. | Independents | | | |

RO's / ARO's Signature _____

RO's / ARO's Stamp _____

To be faxed to CEO immediately after finalising the list of contesting candidates

| |
|-------------|
| ECI Form ID |
| A02 |

Election Commission of India

State Assembly Elections

| |
|------|
| FUSN |
| |

INFORMATION REGARDING CONTESTING CANDIDATES

(Based on Forms 7 A & 2 B)

FOR ASSEMBLY CONSTITUENCIES

| | | | |
|--|--|---------------------------|--|
| A) Parliamentary Constituency No. & Name | | B) State / UT Code & Name | |
| C) Assembly Segment No. & Name | | | |

| | | | |
|-------------------------|------------------------------|--------------------|--|
| 1. Candidate Serial No. | 2. Name of Candidate | | |
| 3. Sex (M / F) | 4. Candidate's Name in Hindi | | |
| 5. Age (in years) | 6. Category (GEN/SC/ST) | | |
| 7. Party Affiliation | | | |
| 8. Party Abbreviation | | 9. Symbol Allotted | |

| | | | |
|-------------------------|------------------------------|--------------------|--|
| 1. Candidate Serial No. | 2. Name of Candidate | | |
| 3. Sex (M / F) | 4. Candidate's Name in Hindi | | |
| 5. Age (in years) | 6. Category (GEN/SC/ST) | | |
| 7. Party Affiliation | | | |
| 8. Party Abbreviation | | 9. Symbol Allotted | |

| | | | |
|-------------------------|----------------------------|--------------------|--|
| 1. Candidate Serial No. | 2. Name of Candidate | | |
| 3. Sex (M / F) | 4. Candidate name in Hindi | | |
| 5. Age (in years) | 6. Category (GEN/SC/ST) | | |
| 7. Party Affiliation | | | |
| 8. Party Abbreviation | | 9. Symbol Allotted | |

RO's / ARO's Signature _____

[illegible]

DEO's
Signature_____

DEO's Stamp_____

To be faxed to CEO immediately after finalising the list of contesting candidates

| |
|-------------|
| ECI Form ID |
| P01 |

Election Commission of India

| |
|------|
| FUSN |
| |

Lok Sabha Elections

**NOMINATIONS, REJECTIONS, WITHDRAWALS &
CONTESTANTS FOR PARLIAMENTARY CONSTITUENCIES**

| | |
|--|------------------------------|
| A) Parliamentary Constituency No. & Name | B) State / UT Code & Name |
|--|------------------------------|

| CANDIDATES Male | | | Female | Total |
|--------------------|------------|--|--------|-------|
| 1. | Nominated | | | |
| 2. | Rejected | | | |
| 3. | Withdrawn | | | |
| 4. | Contesting | | | |

BREAK-UP OF CONSTESTANTS

| CANDIDATES | | Male | Female | Total |
|------------|------------------|------|--------|-------|
| 5. | National Parties | | | |

| | | | | |
|----|---------------------------------|--|--|--|
| 6. | State Parties | | | |
| 7. | Registered Unrecognised Parties | | | |
| 8. | Independents | | | |

RO's / ARO's Signature_____

RO's / ARO's Stamp_____

To be faxed to CEO immediately after finalising the list of contesting candidates

| |
|-------------|
| ECI Form ID |
| P02 |

Election Commission of India
Lok Sabha Elections

| |
|------|
| FUSN |
| |

INFORMATION REGARDING CONTESTING CANDIDATES
(Based on Forms 7 A & 2 A)
FOR PARLIAMENTARY CONSTITUENCIES

| | |
|--|---------------------------------|
| A) Parliamentary Constituency No. & Name | B) State / UT Code & Name |
|--|---------------------------------|

| | |
|-------------------------|------------------------------|
| 1. Candidate Serial No. | 2. Name of Candidate |
| 3. Sex (M / F) | 4. Candidate's Name in Hindi |
| 5. Age (in years) | 6. Category (GEN/SC/ST) |
| 7. Party Affiliation | |
| 8. Party Abbreviation | 9. Symbol Allotted |

| | |
|-------------------------|------------------------------|
| 1. Candidate Serial No. | 2. Name of Candidate |
| 3. Sex (M / F) | 4. Candidate's Name in Hindi |
| 5. Age (in years) | 6. Category (GEN/SC/ST) |
| 7. Party Affiliation | |
| 8. Party Abbreviation | 9. Symbol Allotted |

| | |
|-------------------------|----------------------------|
| 1. Candidate Serial No. | 2. Name of Candidate |
| 3. Sex (M / F) | 4. Candidate name in Hindi |
| 5. Age (in years) | 6. Category (GEN/SC/ST) |
| 7. Party Affiliation | |
| 8. Party Abbreviation | 9. Symbol Allotted |

RO's / ARO's Signature_____

[illegible]

| | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|
| Total for the Parliamentary constituency | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|

RO's/ARO' Signature_____

RO's/ARO's Stamp_____